

**TOWN OF NEW SCANDIA
ORDINANCE NO. 88**

**AN ORDINANCE PROVIDING FOR THE REGULATION OF ADULT ORIENTED
BUSINESSES IN THE TOWN OF NEW SCANDIA; PROVIDING FOR THE ISSUANCE
OF LICENSES AND COLLECTION OF FEES THEREFORE; AND PENALTIES FOR
THE VIOLATION THEREOF.**

The Town Board of the Town of New Scandia, Minnesota hereby ordains:

Section 1. Purpose and Intent.

Subdivision 1. Findings. The Town Board finds that Adult Oriented Businesses whose services include sessions offered to adults conducted in private by members of the same or opposite sex, and employing personnel with no specialized training, are susceptible to operation in a manner contravening, subverting or endangering the morals of the community by being the site of acts or prostitution, illicit sex and occasions of violent crimes, and thus requiring close inspection, licensing and regulation. The Town Board also finds that control and regulation of commercial establishments of these types, in view of the abuses often perpetrated, require intensive efforts by the Sheriff's Department and other departments and personnel of the city. As a consequence, the concentrated use of Town services detracts from and reduces the level of service available to the rest of the community and thereby diminishes the ability of the Town to promote the general health, welfare, morals and safety of the community. The licensing of sexually oriented businesses can aid in monitoring sexually oriented businesses for adverse secondary effects on the community and minimize the risk of criminal activity. The risk of criminal activity and/or public health problems can be minimized through licensing as prescribed in this Ordinance.

Subdivision 2. Purpose. It is the purpose of this Ordinance to regulate Adult Oriented Businesses to promote the health, safety, morals and general welfare of the citizens of the Town and to establish reasonable and uniform regulations to:

- (a) Prevent additional criminal activity within the Town;
- (b) Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood;
- (c) Locate Adult Oriented Businesses away from residential areas, schools, churches, parks and playgrounds;
- (d) Prevent concentration of Adult Oriented Businesses within certain areas of the Town.

Subdivision 2. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult oriented materials. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by adults to adult oriented materials protected by the First Amendment, nor to deny access by distributors and exhibitors of adult oriented entertainment to their intended market.

Section 2. Definitions. As used in this Ordinance, the following words and terms shall have the meaning ascribed to them in this Section.

Subdivision 1. Adult Establishments. An adult establishment is any establishment in which an adult use comprises more than 10 percent of the floor area of the establishment in which it is located or which comprises more than 20% of the gross receipts of the entire business operation.

Subdivision 2. Adult Use. An adult use is any of the activities and businesses described below:

(a) Adult Uses. Adult uses include adult bookstores, adult motion picture theaters, adult mini-motion picture 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) Adult Use - Body Painting Studio: An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas."

(c) Adult Use - Bookstore: A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, digital recordings or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age, and if a substantial or significant portion of such items are distinguished and characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

(d) Adult Use - Cabaret: A building or portion of a building for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age and if such dancing or other live entertainment is distinguished and

characterized by an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas."

(e) Adult Use - Companionship Establishment: A companionship establishment which excludes minors by reason of age, and which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished and characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

(f) Adult Use - Conversation/Rap Parlor: A conversation/rap parlor which excludes minors by reason of age, and which provides the services of engaging in or listening to conversation, talk, or discussion, if such service is distinguished and characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

(g) Adult Use - Health/Sport Club: A health/sport club which excludes minors by reason of age, if such club is distinguished and characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

(h) Adult Use - Hotel or Motel: Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and where material is presented which is distinguished and characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

(i) Adult Use - Massage Parlor, Health Club: A massage parlor or health club which restricts minors by reason or age, and which provides the services of massage, if such service is distinguished and characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

(j) Adult Use - Mini-Motion Picture Theatre: A building or portion of a building with a capacity for less than 50 persons used for presenting material if such material is distinguished and characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

(k) Adult Use - Modeling Studio: An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in "specified sexual activities" or display "specified anatomical areas" while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

(l) Adult Use - Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per

machine at any one time, and where the images so displayed are distinguished and characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

(m) Adult Use - Motion Picture Theatre: A building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by reason of age and if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(n) Adult Use - Novelty Business: A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

(o) Adult Use - Sauna: A sauna which excludes minors by reason of age, and which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

(p) Adult Use - Steam Room/Bathhouse Facility: A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age and if the service provided by the steam room/bathhouse facility is distinguished and characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

Subdivision 3. Specified Anatomical Areas.

- (a) Less than completely and opaquely covered;
 - (1) human genitals, pubic region, or pubic hair;
 - (2) buttock; and
 - (3) female breast below a point immediately above the top of the areola; and
- (b) Human male genitals in a discernible turgid state, even if opaquely covered.

Subdivision 4. Specified Sexual Activities.

(a) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory

functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

(b) Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or

(c) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or

(d) Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or

(e) Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of such persons; or

(f) Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or

(g) Human excretion, urination, menstruation, vaginal or anal irrigation.

Section 3. Application of this Ordinance. Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with this Ordinance. No Adult Oriented Business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the establishment which is prohibited by any ordinance of the Town of New Scandia, the laws of the State of Minnesota, or the United States of America. Nothing in this Ordinance shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale, or distribution of obscene material generally, or the exhibition, sale, or distribution of specified materials to minors.

Section 4. Location. No Adult Oriented Business shall be located in other than a Business Zone. No Adult Oriented Businesses shall be located less than 500 feet from any residential zoning district boundary, nor less than 2800 feet from any church site, public or private school site, day care facility or park. In addition, no Adult Oriented Business may be located within 150 feet of another Adult Oriented Business. For purposes of this Ordinance, this distance shall be a horizontal measurement from the nearest existing residential district boundary, church site, school site, day care site, park site, or another Adult Oriented Business site to the nearest boundary of the proposed Adult Oriented Business site.

Section 5. Hours of Operation. No Adult Oriented site shall be open to the public from the hours of 7:00 p.m. to 9:00 a.m.

Section 6. Operation.

Subdivision 1. Off-site Viewing. An establishment operating as an Adult Oriented Business shall prevent off-site viewing of its merchandise which, if viewed by a minor, would be in violation Minnesota Statutes Chapter 617 or other applicable Federal or State Statutes or local ordinances.

Subdivision 2. Entrances. All entrances to the business, with the exception of emergency fire exits which are not useable by patrons to enter the business, shall be usable from a public right-of-way.

Subdivision 3. Layout. The layout of the display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the store can observe all patrons while they have access to any merchandise offered for sale or viewing including but not limited to books, magazines, photographs, video tapes, recorded or digital images or any other material.

Subdivision 4. Illumination. Illumination of the premises' exterior shall be adequate to observe the location and activities of all persons on the exterior of the premises.

Subdivision 5. Signs. Signs for Adult Oriented Businesses shall comply with the Town's sign regulations, and, in addition, signs for Adult Oriented Businesses shall not contain representational depiction of an adult nature or graphic descriptions of the adult theme of the operation. All signs shall be wall signs. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or in any area where they can be viewed from a public street or sidewalk.

Section 7. Licenses.

Subdivision 1. Licenses Required. All establishments, including any business operating at the time this Ordinance becomes effective, operating or intending to operate an Adult Oriented Business, shall apply for and obtain a license from the Town Clerk. A person is in violation of this Ordinance if he or she operates an Adult Oriented Business without a valid license issued by the Town.

Subdivision 2. Applications. An application for a license must be made on a form provided by the Town.

(a) The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

(b) The applicant must be qualified according to the provisions of this section and the premises must be inspected and found to be in compliance with the appropriate state, county, and local law and codes by the health official, fire chief, and building official.

(c) The application shall contain the address and legal description of the property to be used; the names, addresses, phone numbers and dates of birth of the owner, lessee, if any, the operator or manager, and all employees; the name, address, and phone number of two persons who shall be residents of the State of Minnesota and who may be called upon to attest to the applicant's, manager's, or operator's character; whether the applicant, manager, or operator has ever been convicted of a crime or offense other than a traffic offense and, if so, complete and accurate information as to the disposition thereof, the names and addresses of all creditors of the applicant, owner, lessee, or manager who have extended credit for the purposes of constructing, equipping, maintaining, operating, or furnishing or acquiring the premises, personal effects, equipment, or anything incident to the establishment, maintenance and operation of the business.

(d) If the application is made on behalf of a corporation, joint business venture, partnership, or any legally constituted business association, it shall submit along with its application, accurate and complete business records showing the names, addresses, and date of birth of all individuals having an interest in the business, including partners, officers, owners, board of directors and creditors furnishing credit for the establishment, acquisition, maintenance, and furnishing of said business.

(e) All applicants shall furnish to the Town, along with their applications, complete and accurate documentation establishing the interest of the applicant and any other person having an interest in the premises upon which the building is proposed to be located or the furnishings thereof, personal property thereof, or the operation or maintenance thereof. Documentation shall be in the form of a lease, deed, contract for deed, mortgage deed, mortgage credit arrangement, loan agreements, security agreements, and any other documents establishing the interest of the applicant or any other person in the operation, acquisition or maintenance of the enterprise.

Subdivision 3. The Town Clerk may recommend approval of the issuance of a license by the Town to an applicant within thirty (30) days after receipt of an application unless she finds one or more of the following to be true:

(a) The applicant(s) or manager is under eighteen (18) years of age.

(b) The applicant(s) or an applicant's spouse or domestic partner is overdue or delinquent, or subject to a penalty imposed by law for the late payment in their payment to the Town, County, or State of taxes, fees, fines, or penalties assessed against them or imposed upon them in relation to an Adult Only Entertainment Business.

(c) The applicant(s) has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(d) The applicant(s) or an applicant's spouse or domestic partner has been convicted of a violation of a provision of this Section, other than the offense of operating an Adult Only Entertainment Business without a license within two (2) years immediately preceding the application. The fact that a conviction is being appealed shall have no effect.

(e) The applicant(s) is residing with a person who has been denied a license by the Town or any other Minnesota municipal corporation to operate an Adult Only Entertainment Business within the preceding twelve (12) months, or residing with a person whose license to operate an Adult Only Entertainment Business has been revoked within the preceding twelve (12) months.

(f) The premises to be used for the Adult Only Entertainment Business has not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances; such inspections shall be completed within thirty (30) days from the date the application was submitted, provided that the application contains all of the information required by this Ordinance. If the application is deficient, the inspections shall be completed within thirty (30) days from the date the deficiency has been corrected.

(g) The license fee required by this Ordinance has not been paid.

(h) An applicant has been convicted of a crime involving any of the following offenses:

(1) Any sex crimes as defined by Minn. Stat. 609.29 through 609.352 inclusive or as defined by any ordinance or statute in conformity therewith;

(2) Any obscenity crime as defined by Minn. Stat. 617.23 through 617.299 inclusive, or as defined by any ordinance or statute in conformity therewith; for which:

* less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense.

* less than five years have elapsed since the date of the last conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is a felony offense; or

* less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the conviction is of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24 month period.

(3) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant or applicants spouse or domestic partner.

Subdivision 4. Requalification. An applicant who has been convicted of an offense listed in Section 7, Subdivision 3(h), may qualify for an Adult Oriented Business license only when the time period required by Section 7, Subdivision 3(h), has elapsed.

Subdivision 5. Posting. The license, if granted, shall state on its face the name of the person or persons to whom it is granted and all persons who have a financial interest in the business, the expiration date, and the address of the Adult Oriented Business. The license shall be posted in a conspicuous place at or near the entrance to the Adult Oriented Business so that it may be read at any time.

Subdivision 6. Town Action. The Town Board shall act to approve or disapprove the license application within 60 days from the date the application was submitted, provided that the application contains all information required by this ordinance. If the application is deficient, the Board shall act on the application within 60 days from the date that the deficiency has been corrected.

Subdivision 7. Appeals. Within 30 days after the decision by the Town Board, the applicant may appeal to the District Court by serving a notice upon the Town Board Chairman or Town Clerk.

Subdivision 8. Additional Restrictions as to Live Entertainment.

(a) All performers, dancers, and persons providing live entertainment distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas in the licensed facility or in areas adjoining the licensed premises where such entertainment can be seen by patrons of the licensed premises shall remain at all times a minimum distance of ten (10) feet from all patrons, customers, or spectators and shall dance or provide such entertainment on a platform intended for the purpose, which shall be raised at least two (2) feet from the level of the floor on which patrons, customers or spectators are located.

(b) No dancer, performer, or person providing live entertainment distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas in the licensed premises or in areas adjoining the licensed premises where entertainment can be seen by patrons or the licensed premises shall touch, fondle or caress, any patrons, customers or spectators.

(c) No customers, spectators, or patrons of a licensed premises shall directly pay or give any gratuity to any dancer or performer, and no dancer or performer shall solicit any pay or gratuity from any patrons, customers or spectators.

(d) Except for licenses for a sexually oriented motel, a licensee shall not be open for business to the public from the hours of 7:00 p.m. to 9:00 a.m.

(e) A licensee under this Ordinance shall be responsible for the conduct of the sexually oriented business being operated and shall not allow any illegal activity to take place on or near the licensed premises, including but not limited to prostitution, public indecency, indecent exposure, disorderly conduct, or the sale or use of illegal drugs. Every act or omission by an employee or independent contractor of the licensee constituting a violation of this Ordinance shall be deemed the act or omission of the licensee, if such act or omission occurs either with the authorization, knowledge, or approval of the licensee, or as a result of the licensee's negligent failure to supervise the employee's or independent contractor's conduct.

(f) No sales, consumption or use of any alcoholic beverages shall be permitted at any time within the licensed premises.

Section 8. License Fees. License fees shall be set by the Town Board.

Section 9. Inspection.

Subdivision 1. Access. An applicant or licensee shall permit health officials, representatives of the sheriff's department, fire department, and building inspector, to inspect the premises of an Adult Oriented Business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.

Subdivision 2. Refusal to Permit Inspections. A person who operates an Adult Oriented Business or his agent or employee commits an offense if she or he refuses to permit a lawful inspection of the premises by health officials, representatives of the sheriff's department, fire department and building inspection division at any time it is occupied or open for business. Refusal to permit inspections may result in the suspension of the license as provided in Section 11.

Subdivision 3. Exceptions. The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

Section 10. Expiration and Renewal.

Subdivision 1. Expiration. Each license shall expire at the end of the calendar year and may be renewed only by making application as provided in Section 7, Subdivision 1. Application

for renewal must be made at least 60 days before the expiration date, and when made less than 60 days before the expiration date, the expiration of the license will not be affected.

Subdivision 2. Denial of Renewal. When the Town denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the Town finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date denial became final.

Section 11. Suspension.

Subdivision 1. Causes of Suspension. The Town may suspend a license for a period not to exceed 30 days if it determines that a licensee or an employee of a licensee has:

- (a) Violated or is not in compliance with any provision of this Ordinance.
- (b) Engaged in the use of alcoholic beverages while on the Adult Oriented Business premises other than at an Adult Hotel or Motel.
- (c) Refused to allow an inspection of the Adult Oriented Business premises as authorized by this Ordinance.
- (d) Knowingly permitted gambling by any person on the Adult Oriented Business premises.
- (e) Demonstrated inability to operate or manage an Adult Oriented Business in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.

Subdivision 2. Notice. A suspension by the Town shall be preceded by written notice to the licensee and a public hearing. The notice shall give at least 10 days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed business premises with the person in charge thereof.

Section 12. Revocation.

Subdivision 1. Suspended Licenses. The Town may revoke a license if a cause of suspension in Section 11 occurs and the license has been suspended within the preceding 12 months.

Subdivision 2. Causes of Revocation. The Town shall revoke a license if it determines that:

- (a) A licensee gave false or misleading information in the material submitted to the Town during the application process;

(b) A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;

(c) A licensee or an employee has knowingly allowed prostitution on the premises;

(d) A licensee or an employee knowingly operated the Adult Oriented Business during a period of time when the licensee's license was suspended;

(e) A licensee has been convicted of an offense listed in Section 7, Subdivision 3(h), for which the time period required in Section 7, Subdivision 3(h), has not elapsed;

(f) On two or more occasions within a 12-month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in Section 7, Subdivision 3(h) for which a conviction has been obtained, and the person or persons were employees of the Adult Oriented Business at the time the offenses were committed.

(g) A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation or masturbation to occur in or on the licensed premises.

Subdivision 3. Appeals. The fact that a conviction is being appealed shall have no effect on the revocation of the license.

Subdivision 4. Exceptions. Section 12, Subdivision 2(g), does not apply to adult motels as a ground for revoking the license unless the licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.

Subdivision 5. Granting a License After Revocation. When the Town revokes a license, the revocation shall continue for one year and the licensee shall not be issued an Adult Oriented Business license for one year from the date revocation became effective. If, subsequent to revocation, the Town finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under Section 12, Subdivision 2(c), an applicant may not be granted another license until the appropriate number of years required under Section 7, Subdivision 3(h), has elapsed.

Subdivision 6. Notice. A revocation by the Town shall be proceeded by written notice to the licensee and a public hearing. The notice shall give at least 10 day's notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed premises with the person in charge thereof.

Section 13. Transfer of License.

A licensee shall not transfer this license to another, nor shall a licensee operate an Adult Oriented Business under the authority of a license at any place other than the address designated in the application.

Section 14. Enforcement. Violation of any Section of this Ordinance shall be a misdemeanor. Each day that a violation occurs shall be considered a separate offense. The Town may enforce any provision of this Ordinance by mandamus, injunction or any other appropriate civil remedy in any court of competent jurisdiction.

Section 15. Non-Conforming Uses. Any adult use existing in the Town that is not in conformance with the provisions of this Ordinance as of the effective date of this Ordinance shall be deemed a non-conforming use and shall become unlawful three years after the date of enactment.

Section 16. Separability. Every section, provision or part of this Ordinance is declared separable from every other section, provision or part of this Ordinance. If any section, provision, or part of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

Section 17. Effective Date and Area. This Ordinance shall take effect the day after the date of its publication.

Passed and adopted by the Town Board of the Town of New Scandia, Minnesota this 11th day of July, 2006.

TOWN OF NEW SCANDIA

ATTEST:

BY: _____
Dennis D. Seefeldt, Chairman

Brenda Eklund, Deputy Clerk