

1st Reading  
10/18/2013  
Referred to (name of) Committee  
COW  
Public Hearing  
\_\_\_\_\_  
2nd Reading and Final Passage  
12/6/2013

2013-Or-168  
**AN ORDINANCE**  
**of the**  
**CITY OF**  
**MINNEAPOLIS**  
By Lilligren

**Amending Title 13, Chapter 264 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Outdoor Pay Telephones.**

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

Section 1. That Section 264.40 of the above-entitled ordinance be amended to read as follows:

**264.40. Director Licensing official may designate problem pay telephone.** The ~~director of licenses and consumer services~~ licensing official may designate a particular outdoor pay telephone located on the property of a licensee described in section 264.10 as a problem pay telephone, based upon evidence which possesses probative value commonly accepted by reasonable prudent persons in the conduct of their affairs that one or more of the following conditions exist:

(a) The telephone is regularly or frequently used to further the distribution of controlled substances, prostitution, or other criminal activity.

(b) The unrestricted use of the telephone contributes to loitering or congregation in the area or disturbs the peace, quiet, or personal safety of other persons in the area.

(c) The telephone is detrimental to the public safety.

(d) The telephone unreasonably interferes with the flow of pedestrians or vehicular traffic.

(e) The telephone unreasonably interferes with the use of crosswalks, traffic signs or signals, hydrants, or mailboxes.

(f) The telephone unreasonably interferes with the ingress or egress from any residence or place of business.

(g) The telephone is deemed by the traffic engineer to be a safety concern or hazard.

(h) Failure to provide information as required under section 264.80

(i) The telephone is considered excessive given the number of outdoor pay telephones already in the area and that the aggregate number of outdoor pay telephones contributes directly to any conditions listed in subdivisions (a) through (g) above.

Section 2. That Section 264.50 of the above-entitled ordinance be amended to read as follows:

**264.50. Procedure for designation of a problem pay telephone.** (a) Before issuing an order under subsection 264.50(b), the ~~director of licenses and consumer services~~ licensing official shall conduct an informal hearing to determine whether a particular pay telephone is a problem telephone, and if so, what measures can be taken to correct the condition. The informal hearing shall be preceded by at least ten days' written notice to the licensee and the owner of the outdoor pay telephone at the address indicated on the subject pay telephone describing the time, place, and subject matter of the hearing. The ~~director~~ licensing official may consider any evidence with probative value commonly accepted by reasonably prudent persons in the conduct of their affairs.

(b) Following the hearing, the ~~director~~ licensing official may issue an order to the licensee to take remedial measures, including but not limited to:

- (1) Requiring that the telephone be modified through use of existing technology to prevent persons from using the telephones to facilitate criminal activity.
- (2) Installing a lockup telephone.
- (3) Requiring that the telephone be modified to prohibit incoming calls.
- (4) Requiring the telephone be moved to a different location on the parcel.
- (5) Requiring that calls to pagers and/or cellular telephone numbers be blocked.
- (6) Restricting coin access.
- (7) Adding lighting.
- (8) Rendering the telephone inoperative during certain hours.
- (9) Temporarily removing or suspending the service of the telephone.
- (10) Changing the type of enclosure of the telephone.
- (11) Posting a sign indicating that a telephone has been modified, if applicable.

(c) Upon establishing that a remedial measure(s) ordered by the ~~director~~ licensing official does not adequately remedy the problem created by the pay telephone and upon further reasonable notice to the parties involved, the ~~director~~ licensing official may issue an order for removal of the telephone.

(d) The ~~director~~ licensing official shall issue the order, if necessary, in writing addressed to the licensee at the address listed in its most recent license application and to the outdoor pay telephone owner.

Section 3. That Section 264.60 of the above-entitled ordinance be amended to read as follows:

**264.60. Compliance with ~~director's~~ licensing official's order.** Failure to comply with the ~~director's~~ licensing official's order restricting or removing an outdoor pay telephone shall be grounds to revoke, suspend, or refuse to renew the licenses held by the licensee. If a licensee fails to comply with the ~~director's~~ licensing official's order, the ~~director~~ licensing official shall refer the matter to the committee of the city council responsible for licenses, to consider such action against the licensee.

Section 4. That Section 264.65 of the above-entitled ordinance be amended to read as follows:

**264.65. Replacement prohibited.** No person may install an outdoor pay telephone on a building or grounds from which a telephone has previously been ordered removed by the director without first having obtained permission from the ~~director~~ licensing official.

Section 5. That Section 264.70 of the above-entitled ordinance be amended to read as follows:

**264.70. List of prohibited locations.** The ~~director~~ licensing official shall maintain and make available on request a list of locations where installation of outdoor pay telephones is prohibited.

Section 6. That Section 264.75 of the above-entitled ordinance be amended to read as follows:

**264.75. Installation and maintenance standards.** Each outdoor pay telephone shall:

- (a) Comply with all rules and regulations of the Minnesota Public Utilities Commission (PUC) and all local, state and federal regulations.
- (b) Comply with all applicable federal, state, and local laws and regulations concerning the use of pay telephones by disabled persons.
- (c) Be maintained in a neat and clean condition, free of graffiti and handbills and in good repair. Graffiti shall be cleaned and handbills removed or telephone cleaned within two (2) business days of notification by the ~~director or his or her representative~~ licensing official.

Section 7. That Section 264.80 of the above-entitled ordinance be amended to read as follows:

**264.80. Information required.** Upon request by the ~~director of licenses and consumer services, or his or her representative,~~ licensing official, a licensee shall supply, or cause a pay telephone company to supply, information regarding usage patterns of an outdoor pay telephone and the contractual arrangement under which an outdoor pay telephone is operated. The usage information requested shall not include information that violates ~~wire tapping~~ wiretapping or privacy statutes unless requested by subpoena. Failure to provide the requested information shall be grounds for:

- (a) Designation of the telephone as a problem pay telephone; and/or
- (b) An order for removal of the telephone; and/or
- (c) Denial of a business license where the telephone is located.

Certified as an official action of the City Council: *jh*

RECORD OF COUNCIL VOTE (X INDICATES VOTE)													
COUNCIL MEMBER	AYE	NAY	ABSTAIN	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	ABSTAIN	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
Reich				X			Glidden	X					
Gordon	X						Schiff	X					
Hofstede	X						Tuthill	X					
Johnson				X			Quincy	X					
Samuels	X						Colvin Roy	X					
Lilligren	X						Hodges	Y					
Goodman	X												

ADOPTED DEC 6 2013  
DATE

APPROVED  NOT APPROVED  VETOED

ATTEST *Daisy DePaw*  
CITY CLERK

*[Signature]*  
MAYOR RYBAK  
DATE DEC 12 2013