

## CHAPTER 299H

### THEATERS AND HALLS

299H.211 Places of assembly.  
 299H.22 Licenses; moving pictures.  
 299H.23 Inspection.  
 299H.24 County attorney to prosecute.

299H.25 License fees and fines paid into state treasury.  
 299H.26 Local regulations not abrogated.  
 299H.27 Enforcement.  
 299H.28 Violations; penalties.

299H.01 [Repealed, 1981 c 106 s 16]  
 299H.02 [Repealed, 1981 c 106 s 16]  
 299H.03 [Repealed, 1978 c 777 s 20]  
 299H.04 [Repealed, 1978 c 777 s 20]  
 299H.05 [Repealed, 1978 c 777 s 20]  
 299H.06 [Repealed, 1978 c 777 s 20]  
 299H.07 [Repealed, 1978 c 777 s 20]  
 299H.08 [Repealed, 1978 c 777 s 20]  
 299H.09 [Repealed, 1978 c 777 s 20]  
 299H.10 [Repealed, 1978 c 777 s 20]  
 299H.11 [Repealed, 1978 c 777 s 20]  
 299H.12 [Repealed, 1978 c 777 s 20]  
 299H.13 [Repealed, 1978 c 777 s 20]  
 299H.14 [Repealed, 1978 c 777 s 20]  
 299H.15 [Repealed, 1978 c 777 s 20]  
 299H.16 [Repealed, 1978 c 777 s 20]  
 299H.17 [Repealed, 1978 c 777 s 20]  
 299H.18 [Repealed, 1978 c 777 s 20]  
 299H.19 [Repealed, 1978 c 777 s 20]  
 299H.20 [Repealed, 1978 c 777 s 20]  
 299H.21 [Repealed, 1978 c 777 s 20]

#### 299H.211 PLACES OF ASSEMBLY.

Subdivision 1. All places of assembly shall be operated and maintained in accordance with the provisions of the uniform fire code promulgated pursuant to section 299F.011.

Subd. 2. For purposes of this section, "assembly" shall mean the gathering together of 50 or more people for such purposes as, but not limited to, deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation or of 100 or more persons in drinking or dining establishments.

**History:** 1978 c 777 s 10

#### 299H.22 LICENSES; MOVING PICTURES.

Subdivision 1. It shall be unlawful for any person to operate a moving picture machine or to exhibit moving pictures in any building, theater, hall, or open-air drive-in theater to which the public is admitted, or in any other place of public entertainment or amusement within this state, unless the owner, lessee, occupant, or agent of the place has been licensed by the state fire marshal to use the place for that purpose. The application shall be made and presented at least 30 days prior to the date when the license is desired to go into effect, to the end that the fire marshal may make the necessary investigation and inspection before the license issues. The license fee

shall be \$5 for the year and each application shall be accompanied by the license fee. Every license shall expire on the first day of September each year. The state fire marshal, upon application therefor, shall furnish to any person desiring a license an application blank, upon which the applicant shall state the full name and address of the applicant or applicants and, if it be a corporation, the names and addresses of the principal officers thereof, whether the applicant be the owner, lessee, occupant, or agent of the building or open-air drive-in theater for which a license is desired, the location and a full description of the property and the building and the room within the building to be used, or proposed to be used, for the exhibition of moving pictures, and such other information as may be required to be contained therein by the state fire marshal. Every application shall be verified by the applicant for the license and the verified application shall be prima facie proof of the facts therein stated.

Subd. 2. Upon receipt of the application, the state fire marshal shall make any necessary investigation. The license must be granted to the applicant unless it appears to the state fire marshal that the applicable provisions of sections 299H.211 to 299H.27 are being violated or are about to be violated. The license thus granted shall not be transferable to any other building, room, or place than that stated in the license. The state fire marshal, has discretionary authority to grant and to prescribe rules and conditions for granting a permit for the exhibition of moving pictures in an unlicensed building, and without a formal license therefor, for not more than seven consecutive days. These exhibitions are to be given solely for religious, benevolent, educational, or scientific purposes. No license shall be granted except after examination by the state fire marshal, or the state fire marshal's authorized deputy or agent; provided, that the state fire marshal may issue a temporary license upon the verified application herein provided for, which shall be good until revoked for cause or until a permanent license is substituted therefor. There shall be deducted from the fee for the permanent license a part thereof proportionate to the unexpired portion of the year for which the temporary license was granted. All public exhibitions of moving pictures in any place, except a building or open-air drive-in theater, shall be subject to such rules and conditions, in addition to those provided by law with reference to the safety of the public, as the fire marshal may deem necessary. Any person, firm, or corporation giving public exhibitions of moving pictures in any place, except a building or open-air drive-in theater, shall be classified as itinerant moving picture exhibitors. No such person, firm, or corporation shall give any such public moving picture exhibition at any place, except under a permit from the state fire marshal authorizing the exhibition, and after the person, firm, or corporation has made and executed a bond of indemnity to the state in such sum as the fire marshal may approve, conditioned to pay any and all liability for damages ensuing through the negligence of the exhibitor. The fee for each such permit shall be \$5. No licenses or bond shall be required or necessary to operate a moving picture machine or to exhibit moving pictures by any firm, person, association, or corporation in any statutory city having a population of less than 700 where no admission charge is made therefor and where there is no licensed moving picture business.

Subd. 3. For the purposes of this section "open-air drive-in theater" shall mean a permanently established place or closure designed to exhibit motion pictures to patrons who view the exhibition from vehicles.

The license shall be posted in a conspicuous place within the theater and a picture thereof shall be exhibited upon the screen at the commencement of each performance.

**History:** (5940, 5941) 1917 c 466 s 21,22; 1925 c 399; 1935 c 155; 1949 c 108 s 1; 1973 c 123 art 5 s 7; 1Sp1981 c 4 art 1 s 157; 1985 c 248 s 70; 1986 c 444

### 299H.23 INSPECTION.

The state fire marshal, or a deputy under the direction of the state fire marshal, may enter any moving picture theatre or show or place where moving pictures are being exhibited at any reasonable time for the purpose of determining whether the provisions of sections 299H.211 to 299H.27 are being complied with. Upon finding that any

provisions thereof are being violated, the state fire marshal shall notify the licensee, in writing, stating wherein the licensee is at fault; and, if the violations continue beyond a time within which the violations can be reasonably corrected shall cause the license to be revoked and canceled.

**History:** (5944) 1917 c 466 s 25; 1978 c 777 s 11; 1986 c 444

#### **299H.24 COUNTY ATTORNEY TO PROSECUTE.**

Upon finding a moving picture show which is being operated without a license the state fire marshal shall communicate that fact, together with any evidence possessed to the county attorney of the county in which the moving picture show is located and it shall thereupon be the duty of this attorney to cause the arrest and prosecution of the offender.

**History:** (5945) 1917 c 466 s 26; 1986 c 444

#### **299H.25 LICENSE FEES AND FINES PAID INTO STATE TREASURY.**

All money collected under sections 299H.211 to 299H.27, whether in license fees or penalties, shall be paid into the state treasury for the benefit of the general fund.

**History:** (5946) 1917 c 466 s 27; 1978 c 777 s 12

#### **299H.26 LOCAL REGULATIONS NOT ABROGATED.**

In municipalities having ordinances relating to the regulation, installation, and operation of moving picture machines, and containing additional regulations for the safe and proper installation and operation of these machines, nothing in sections 299H.211 to 299H.27 shall be construed to abrogate these local regulations, but the jurisdiction of the local authorities in such cases shall be additional and subordinate to the jurisdiction and authority of the state fire marshal as thereby prescribed.

**History:** (5947) 1917 c 466 s 28; 1978 c 777 s 13

#### **299H.27 ENFORCEMENT.**

It shall be the duty of the state fire marshal to enforce the provisions of sections 299H.211 to 299H.27.

**History:** (5943) 1917 c 466 s 24; 1978 c 777 s 14

#### **299H.28 VIOLATIONS; PENALTIES.**

Subdivision 1. [Repealed, 1981 c 106 s 16]

Subd. 2. Any owner, lessee, occupant, or agent of any building or structure who permits it to be used, operated or maintained in violation of any of the provisions of sections 299H.211 to 299H.27, shall be guilty of a misdemeanor.

**History:** (5919, 5942) 1905 c 319 s 4; 1917 c 466 s 23; 1971 c 23 s 20; 1978 c 777 s 15