

CHAPTER X

LICENSES AND PERMITS; PROCEDURES AND FEES

Section 1000 - General provisions.

1000.01. Policy. The purpose of this chapter is to establish to the maximum degree possible a uniform system for the issuance, revocation, suspension and renewal of licenses and permits for activities for which licenses and permits are required by this code. The fees for licenses and permits are those set by resolution of the council from time to time pursuant to this chapter and are contained in appendix D.

1000.03. Application of chapter. Subdivision 1. General. Where a provision of this code requiring a license or permit contains no procedure for its issuance, revocation, suspension, renewal or fee, the provisions of this chapter apply.

Subd. 2. Other provisions. Where a provision of this code requiring a license or a permit contains procedures for its issuance, revocation, suspension, renewal or the procedure for a pro rata payment of a fee, such provisions prevail over this chapter.

Section 1005 - Licensing procedures.

1005.01. Definitions. Subdivision 1. For purposes of this chapter the terms defined in this subsection have the meanings given them.

Subd. 2. "Business" means occupations, enterprises and establishments, together with all devices used therein which are conducted for private profit, either directly or indirectly, on a premises in the city, or elsewhere within the jurisdiction of the city.

Subd. 3. "Premises" means lands, structures, places and the equipment and appurtenances connected or used therewith in a business and includes a personal property affixed to or used in connection with a business conducted on the premises.

1005.03. Licenses. Subdivision 1. Required. No person may conduct any business or non-profit enterprise or use in connection therewith any premises or device for which a license is required by this code or law without a license.

Subd. 2. Definition of business activities. A person is in business or engaging in non-profit enterprise when that person does a singular act of:

- (a) selling goods or service;
- (b) soliciting business or offering goods or services for sale or hire;
- (c) acquiring or using a vehicle or premises in the city for business purposes.

Subd. 3. Separate violations. Each single act which is a part of chronological sequence of acts in violation of this subsection or any other provision of this code is a separate violation.

1005.05. Agents and employees. Agents or representatives of non-residents who do business in the city are individually responsible for compliance with the provisions of this section. Employers who do business in the city are individually responsible for the compliance of their employees with this section.

1005.07. Branch establishments. Except as otherwise provided in this code each branch establishment or location of a business is deemed to be a separate business requiring a separate license in the manner prescribed in this code. This subsection does not apply to establishments which are only adjunct if or auxiliary to a business, such as warehouses, where separate activities are not independently transacted.

1005.09. Delivery within city. No license is required for the mere delivery in the city of property purchased or acquired in good faith from person at the person's regular place of business outside the city where there is no intent to evade the provisions of this code.

1005.11. Procedure for issuance of licenses. Subdivision 1. Application. Persons who are required to obtain a license under the provisions of this code shall submit a application for a license to the clerk, unless otherwise provided in this code. Unless otherwise specified, application shall be made on the forms provided by the clerk. The forms used for license application shall be approved by the manager. The application form shall be completed in writing and signed by the applicant. Additional requirements are contained in this chapter and chapter XI.

- a. The Public Safety Department is required, as the exclusive entity within the city, to perform a criminal history background investigation for the following licenses within the City, issued pursuant to the chapters of this code as identified below.

License Type	Code Chapter
Liquor establishment	1202
Liquor server	1208
Taxicab	1170
Taxi driver	1175
Itinerant activity	1181
Secondhand goods dealer	1186
Pawnbroker	1187
Massage therapy enterprise	1188
Massage therapist	1188
Adult establishment	1196
Tattoo, body piercing, body branding or body painting	630

- b. In conducting criminal history background investigations under this subdivision, the Public Safety Department is authorized to access data maintained in the state Bureau of Criminal Apprehension (BCA) computerized criminal history information system in accordance with BCA policy. Any data that is accessed and acquired must be maintained within the department under the care and custody of the Public Safety Director, or his or her designee. A summary of the results of the computerized criminal history data may be released by the Public Safety Department to the licensing authority, including the City Council, the City Manager, or other City staff involved in the license approval process.
- c. An applicant must authorize the Public Safety Department by prior written consent to undertake a criminal history background investigation. The written consent must fully comply with the provisions of applicable data privacy statutes regarding the collection, maintenance and use of the information.
- d. Except for the positions set forth in Minnesota Statutes section 364.09, the City will not reject an applicant for a license on the basis of the

applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City will notify the applicant in writing of the following:

1. The grounds and reasons for the denial.
2. The applicant complaint and grievance procedure set forth in Minnesota Statutes section 364.06.
3. The earliest date the applicant may reapply for the license.
4. That all competent evidence of rehabilitation will be considered upon reapplication.

Subd. 2. License fees. The application form shall be accompanied by the full amount of the fee chargeable for the license.

Subd. 3. Duration of license. Unless otherwise specified in this code licenses expire on December 31 of the year issued.

1005.13. Renewal: procedure. Application for renewal of a license when available shall be submitted on forms provided by the clerk for that purpose. The applicant shall, upon request of the clerk, disclose such information concerning the conduct and operation of the business during the preceding eligibility for a renewal license. The application for renewal of a license shall be accompanied by the full amount of the fee chargeable for the renewal.

1005.15. Approval: issuance. No license or renewal of license shall be issued until the application for the license or renewal has been properly completed, submitted and approved. A license or renewal issued without approval or payment of the license fee is void.

1005.17. Disapproval. Where the city clerk or the city manager have been given the authority to issue a license, an applicant aggrieved by action denying such license may apply to the city council for a hearing to determine whether the license should be issued.

1005.19. Transfer. Licenses issued under this code are not transferable. Any person succeeding to the business or license of any licensee must obtain a new license.

1005.21. Enforcement. Subdivision 1. Authorized personnel. City officials having duties to perform with reference to licensees under this code, and all city police officers may inspect and examine the licensed businesses and premises to insure compliance with this code.

Subd. 2. Authority of inspectors. Persons authorized to inspect licensed businesses and premises may enter the following premises at reasonable times, subject to the provisions of subdivision 3:

(a) those for which a license is required;

(b) those for which a license was issued and which, at the time of inspection, are operated under such license; and

- (c) those for which the license has been revoked or suspended.

Subd. 3. Search warrants. If the licensee objects to the inspection of the premises the city official charged with the duty of enforcing the appropriate licensing provisions shall obtain a search warrant before conducting the inspection.

Subd. 4. Suspension: revocation. Except as otherwise provided in this code, when the manager has reason to believe that any provision of this code has been violated by a licensee, agent, or employee, the manager may suspend the license of the affected person until the next meeting of the council. Upon suspension, the licensee will cease all business at all places under the license. The manager shall give the licensee written notice of the suspension, the specific reasons for the suspension, and notice of the time and place of council's consideration of the suspension. The manager may subpoena witnesses and documents to appear before the council. At its next meeting the council will consider the suspension, and the affected person will be given an opportunity to be heard before the council. After the hearing the council may:

- (a) lift the suspension;
- (b) extend the suspension; or
- (c) revoke the license.

Only the council has authority to revoke a license, unless otherwise specified in this code. Proceedings under this section are not proceedings to penalize the affected person for violation of this code but are to take appropriate action with respect to the license held by the affected person.

1005.23. Insurance: bonds. Wherever in this code a licensee is required to procure and maintain insurance or a bond of any type it shall further be required of the licensee that provision be made for the inclusion in a policy of insurance or as a provision in a bond a clause requiring the insurer or bonding company to furnish the city with at least 30 days written notice of cancellation or transfer of the policy or bond.

Section 1010 - License fees.

1010.01. License fees. Subdivision 1. Fee established. License fees are fixed in appendix D.

Subd. 2. Change of fee status. When the status of a licensee changes so as to increase the license fee the licensee is responsible for the prompt payment of the increased license fee and failure to make the additional payment is deemed a violation of this section. Fees paid by a licensee who changes status during a license year is the difference between the old fee and the newly required fee for the calendar year in which the change in status occurs.

Subd. 3. Prorated fees. Unless otherwise specified in this code or required by law license fees shall not be prorated.

Subd. 4. Waiver of fees. The council may authorize the clerk to issue a license, without payment of any license fee, where the proposed licensee is a religious, civic, benevolent, educational, veterans or non-profit organization, provided, however, that the organization otherwise complies with this section and other applicable provisions of this code.

Subd. 5. Refund of fees. Unless otherwise specified in this code or required by law, license fees shall not be refunded in whole or in part.

Section 1015 - Permit Procedures and Fees

1015.01. Permits required. It is unlawful to conduct any activity in the city for which a permit is required by this code without first obtaining a permit from the city in the manner provided in this section.

1015.03. Application for permit. Application for a permit is made to the clerk on forms furnished by the city. Applications for permits required under Chapter IV are made to the building official. The application may contain a declaration that the facts be subscribed to by the person or persons, or officers or agents of a corporation, applying for the permit.

1015.05. Granting of permits. Upon payment to the city by the application of the required fee for any permit, and upon approval of the appropriate inspector, the permit shall be issued, except where council approval is required, in which case the appropriate officer may issue the permit only after approval is granted by the council.

1015.07. Payment of fees. The permit fee and other fees and charges shall be collected by the city before the issuance of any permit. The city clerk or other persons authorized to issue a permit for which the payment of a fee is required under the provisions of this code may not issue a permit until the fee has been paid.

1015.09. Permit fees. The fees and charges for the various permits required by this code are fixed by resolution of the council from time to time. The fee amounts are fixed in appendix D.

1015.11. Bonds and insurance. The provisions of subsection 1005.23 apply to permittees.