CHAPTER 6

OTHER BUSINESS REGULATION AND LICENSING

SECTION 6.01. DEFINITIONS. As used in this Chapter, the following words and terms shall have the meanings stated:

1. "Applicant" means any person making an application for a license under this Chapter.

2. "Application" means a form with blanks or spaces thereon, to be filled in and completed by the applicant as his request for a license, furnished by the City and uniformly required as a prerequisite to the consideration of the issuance of a license for a business.

3. "Bond" means a corporate surety document in the form and with the provisions acceptable and specifically approved by the City Attorney.

4. "Business" means any activity, occupation, sale of goods or services, or transaction that is either licensed or regulated, or both licensed and regulated, by the terms and conditions of this Chapter.

5. "License" means a document issued by the City to an applicant permitting him to carry on and transact a business.

6. "Licensee" means an applicant who, pursuant to his application, holds a valid, current, unexpired and un-revoked license from the City for carrying on a business.

7. "License fee" means the money paid to the City pursuant to an application and prior to issuance of a license to transact and carry on a business.

8. "Sale", "Sell" and "Sold" mean all forms of barter and all manner or means of furnishing merchandise to persons.

SEC. 6.02. APPLICATIONS. All applications shall be made as follows:

Subd. 1. All applications shall be made at the office of the City Administrator upon forms that have been furnished by the City for such purposes.

Subd. 2. Unless otherwise provided for in this Chapter, all such applications must be subscribed, sworn to, and include such information as the Council deems necessary considering the nature of the business for which license application is made.

Subd. 3. It is unlawful for any applicant to intentionally make a false statement or omission upon any application form. Any false statement in such application, or any willful omission to state any information called for on such application form, shall, upon discovery of such falsehood work an automatic refusal of license, or if already issued, shall render any license or permit issued pursuant thereto, void, and of no effect to protect the applicant from prosecution for violation of this Chapter, or any part hereof.

Subd. 4. The City Administrator shall, upon receipt of each application completed in accordance herewith, forthwith investigate the truth of statements made therein and the moral character and business reputation of each applicant for license to such extent as he deems necessary. For such investigation the City Administrator may enlist the aid of the Chief of Police. The Council shall not consider an application before such investigation has been completed.

Subd. 5. Applications for renewal licenses may be made in such abbreviated form as the Council may by resolution adopt.

SEC. 6.03. ACTION ON APPLICATION, TRANSFER, TERMINATION AND DUPLICATE LICENSE.

Subd. 1. Granting. The Council may grant any application for the period of the remainder of the then current calendar year or for the entire ensuing license year. Failure to pay any portion of a fee when due shall be cause for revocation. No license fee shall be refundable upon revocation or voluntarily ceasing to carry on the licensed activity. All applications, including proposed license periods, must be consistent with this Chapter.

Subd. 2. Issuing. If an application is approved, the City Administrator shall forthwith issue a license pursuant thereto in the form prescribed by the Council, payment of the appropriate license fee, and approval of the bond or insurance as to form and surety or carrier, if required. All licenses shall be on a calendar year basis unless otherwise specified herein as to particular businesses. Unless otherwise herein specified, license fees shall be pro-rated on the basis of l/l2th for each calendar month or part thereof remaining in the then current license year. Provided, that for licenses where the fee is less than $l00.00 a minimum license fee equal to one-half of the annual license fee shall be charged. If the annual fee is less than $25.00, there shall be no pro-ration. Except as to licenses which are specifically City-wide, licenses shall be valid only at one location and on the premises therein described.

Subd. 3. Transfer. No license shall be transferable.

Subd. 4. Termination. Licenses shall terminate only by expiration or revocation.

Subd. 5. Refusal and Revocation. The Council may, for any reasonable cause, refuse to grant any application, or revoke any license. No license shall be granted to a person of questionable moral character or business reputation. Before revocation of any license, the Council shall give notice to the licensee and grant such licensee opportunity to be heard. Notice to be given and the exact time of hearing shall be stated in the resolution calling for such hearing. Grounds for revocation may be, but are not limited to, any of the following: (l) that the licensee suffered or permitted illegal acts upon licensed premises; (2) that the licensee had knowledge of such illegal acts but failed to report the same to police; (3) that the licensee failed or refused to cooperate fully with police in investigating such alleged illegal acts; or, (4) that the activities of the licensee created a serious danger to public health, safety, or welfare.

Subd. 6. Duplicate License. Duplicates of all original licenses may be issued by the City Administrator, without action by the Council, upon licensee's affidavit that the original has been lost, and upon payment of a fee in an amount adopted by resolution of the Council for issuance of the duplicate. All duplicate licenses shall be clearly marked DUPLICATE.

SEC. 6.04. FIXING LICENSE FEES. Except as otherwise herein provided, all fees for licenses under this Chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such license fees may, from time-to-time, be amended by the Council by resolution. A copy of the resolution setting forth currently effective license fees shall be kept on file in the office of the City Administrator, and open to inspection during regular business hours. For the purpose of fixing such fees, the Council may subdivide and categorize licenses under a specific license requirement, provided, that any such subdivision or categorization shall be included in the resolution authorized by this Section.

SEC. 6.05. CARRYING OR POSTING. All solicitors shall at all times when so engaged, carry their license on their person. All other licensees shall post their licenses in their place of business near the licensed activity. All licensees shall display their licenses upon demand by any officer or citizen.

SEC. 6.06. PENALTY FOR PROPERTY OWNER. It is unlawful for any person to knowingly permit any real property owned or controlled by him to be used, without a license, for any business for which a license is required by this Chapter.

SEC. 6.07. RESPONSIBILITY OF LICENSEE. The conduct of agents or employees of a licensee, while engaged in performance of their duties for their principal or employer under such license, except as to criminal liability therefore, shall be deemed the conduct of the licensee.

SEC. 6.08. CONDITIONAL LICENSES. Notwithstanding any provision of law to the contrary, the Council may, upon a finding of the necessity therefore, place such conditions and restrictions upon a license as it, in its discretion, may deem reasonable and justified.

SEC. 6.09. RENEWAL OF LICENSES. Applications for renewal of an existing license shall be made at least thirty (30) days prior to the date of expiration of the license, and shall contain such information as is required by the City. This time requirement may be waived by the Council for good and sufficient cause.

SEC. 6.10. INSURANCE REQUIREMENTS. Whenever insurance is required by a Section of this Chapter, after approval by the Council, but before the license shall issue, the applicant shall file with the City Administrator a policy or certificate of public liability insurance showing (l) that the limits are at least as high as required, (2) that coverage is effective for at least the license term approved, and (3) that such insurance will not be cancelled or terminated without thirty (30) days' written notice served upon the City Administrator. Cancellation or termination of such coverage shall be grounds for license revocation.

SEC. 6.11. LICENSE DENIAL AND FIXING RATES - HEARING.

Subd. 1. Right to Deny. The Council reserves to itself the right to deny any application for a license to operate any business licensed or regulated under this Chapter where such business involves service to the public, rates charged for service, use of public streets or other public property by the applicant or the public, or the public health, safety and convenience. The Council may also consider the location of such business in making such determination. Provided, however, that before making such determination, the Council shall hold a public hearing thereon pursuant to such notice to interested parties and the public as it may deem necessary or proper in action calling for such hearing.

Subd. 2. Rates. Where, under specific provisions of this Chapter, the Council has reserved to itself the right to fix or approve fees, rates or charges of a licensed or regulated business, such rates shall be uniform for each category or class of service, and no licensee or proprietor of a regulated business shall claim or demand payment in excess thereof.

Subd. 3. Hearing. Any applicant or licensee under this Chapter who challenges denial of a license or rates fixed or approved by the Council shall have a right to a hearing before the Council upon written request therefore. Notice of time, place and purpose of such hearing shall be given to such persons and by such means as the Council may determine in calling the hearing.

SEC. 6.12. WORKER'S COMPENSATION. No license to operate a business shall be issued by the City until the applicant presents acceptable evidence of compliance with the worker's compensation insurance coverage requirement of Minnesota Statutes by providing the name of the insurance company, the policy number, and dates of coverage, or the permit to self-insure.

Source: City Code
Effective Date: 03-15-1992

(Sections 6.13 through 6.19, inclusive, reserved for future expansion.)

(Pages 179 through 182 reserved)

SEC. 6.20. SHOWS AND LARGE ASSEMBLIES.

Subd. 1. License Required. It is unlawful for any person to present any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition without first having obtained a license therefore from the City. It is also unlawful for any person to promote or sponsor a large assembly, for any purpose and to which the public is invited, without first having obtained a license therefore from the City. For the purpose of this Section, "large assembly" means a gathering, or projected gathering, of more than three hundred (300) persons at one time and at a single location.

Subd. 2. Regulations. Unless waived or modified by the Council upon good cause being shown, all applicants for an initial license where a large gathering is to be held shall show ability to provide, and during the term of the license (if issued) shall be conditioned upon maintaining, the following:

A. If fully or partially out-of-doors, a fence shall completely enclose the location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the grounds, which fence shall have a sufficient number of gates to allow safe passage to and from the gathering.

B. Potable water, meeting all Federal and State requirements for sanitary quality, sufficient to provide drinking water for the maximum number of persons to be assembled, at the rate of at least one (1) gallon per person per day.

C. Enclosed toilets, separate for men and women, meeting all State and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled in accordance with the Minnesota State Board of Health Regulations and Standards, which shall be kept clean, operable, and free of refuse.

D. A sanitary method of disposing of solid waste in compliance with State and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 pounds of solid waste per person per day, together with a plan for holding and collecting all such waste at least once each day of the assembly's continuance, and sufficient trash containers and personnel to perform such tasks, and a plan to return the area to its original condition.

E. Illumination sufficient to light the entire area of the assembly if it is to continue during the hours of darkness.

F. Security and traffic controls meeting the requirements of local authorities and the Minnesota Department of Public Safety. Regularly employed security officers, sufficient to provide adequate security for the maximum number of people to be assembled. Such officers shall be licensed by the State of Minnesota.

G. An administrative control center with telephones where local authorities can contact the licensee and law enforcement personnel inside the area of the assembly.

H. A policy or certificate of insurance, on which the City, its agents and employees are additional insureds, providing public liability insurance in the amount of at least one hundred thousand dollars ($l00,000.00) for the injury of one person, three hundred thousand dollars ($300,000.00) for the injury of two or more persons in the same accident, and one hundred thousand dollars ($l00,000.00) for property damages. An annual aggregate of $300,000.00 may be included in the insurance coverage.

I. Physicians and nurses licensed to practice in Minnesota sufficient to provide the average medical care enjoyed by residents of Minnesota for the maximum number of people to be assembled at the rate of at least one (1) physician and nurse for every five thousand (5,000) people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least two (2) emergency ambulances with attendants for each five thousand (5,000) people.

J. A parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one (1) parking space for every four (4) persons.

K. Telephones connected to outside lines sufficient to provide service to the maximum number of people to be assembled at the rate of at least one separate line and receiver for each one thousand (l,000) persons.

L. Fire protection to be provided by the sponsor including the following: fire alarms, extinguishing devices, fire lanes. Such fire protection shall be sufficient to meet all applicable State laws and local regulations which are in effect. Sufficient emergency personnel to efficiently operate the required equipment shall be provided by the sponsor.

M. Copies of all proposed advertising.

N. All reasonably necessary precautions to insure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly.

O. Written permission from the owner of the premises.

Subd. 3. Maximum Size. It is unlawful for any licensee to admit a larger number of people than the maximum fixed by the Council at the time of issuance of the license.

Subd. 4. Overnight Camping. It is unlawful for any licensee to permit, or for any participant, spectator, or customer, to camp or sleep overnight at the location of a large assembly. It is also unlawful for any licensee to permit, or any participant, spectator or customer, to prepare food on such premises, unless such person is a concessionaire. This Subdivision does not apply to security officers performing their duties as such.

Subd. 5. Investigation Fee. In addition to the license fee the Council may fix an investigation fee commensurate with the cost of such investigation.

Subd. 6. Permitted Area. Large assemblies shall be permitted only after a finding by the Council that the character of the proposed assembly is compatible with the character of the surrounding neighborhood considering the problems of noise, lighting, traffic, sanitation, congestion, and other factors affecting the public health, safety and welfare of the entire area, and compliance with the City Code.

Subd. 7. Exceptions. The following activities and performances are exempt from compliance with this Section:

A. Performances presented in the local schools and colleges, under the sponsorship of such schools and colleges, and primarily for the students thereof only.

B. Performances of athletic, musical or theatrical events sponsored by local schools or colleges using student talent only.

C. Any performance or event in, or sponsored by, bona fide local church and non-profit organizations, provided that such organization shall be incorporated.

D. Any activity or performance more specifically defined and licensed under another Section of this Chapter.

Source: City Code
Effective Date: 03-15-1992

SEC. 6.21. TOBACCO.

Subd. 1. Purpose. The purpose of this Section is to regulate the sale, possession, and use of tobacco, tobacco products, and tobacco related devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with illegal use of tobacco, tobacco products and tobacco related devices, and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in Minnesota Statute, Section 144.391.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

1. "Tobacco or Tobacco Products" means any substance or item containing tobacco leaf, including but not limited to, cigarettes; cigars; pipe tobacco; snuff, fine cut or other chewing tobacco; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff flowers; cavendish; shorts, plug and twist tobaccos; dipping tobaccos; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco leaf prepared in such a manner as to be suitable for chewing, sniffing, or smoking.

2. "Tobacco Related Devices" means any tobacco product as well as a pipe, rolling papers or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing, or smoking of tobacco or tobacco products.

3. "Self-Service Merchandising" means open displays of tobacco, tobacco products, or tobacco related devices in any manner where any person shall have access to the tobacco, tobacco products, or tobacco related devices, without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product, or tobacco related device between the customer and the licensee or employee. Self-service merchandising shall not include vending machines.

4. "Vending Machine" means any mechanical, electric or electronic, or other type of device which dispenses tobacco, tobacco products, or tobacco related devices upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco product, or tobacco related device.

5. "Individually Packaged" means the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include, but are not limited to, single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other containers as described in this Subdivision shall not be considered individually packaged.

6. "Loosies" means the common term used to refer to a single or individually packed cigarette.

7. "Minor" means any natural person who has not yet reached the age of eighteen (18) years.

8. "Retail Establishment" means any place of business where tobacco, tobacco products, or tobacco related devices are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience stores, and restaurants.

9. "Movable Place of Business" refers to any form of business operated out of a truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

10. "Sale" means any transfer of goods for money, trade, barter, or other consideration.

11. "Compliance Checks" means the system the City uses to investigate and ensure that those authorized to sell tobacco, tobacco products, and tobacco related devices are following and complying with the requirements of this Section. Compliance checks shall involve the use of minors as authorized by this Section. Compliance checks shall also mean the use of minors who attempt to purchase tobacco, tobacco products, or tobacco related devices for educational, research and training purposes as authorized by State and Federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate Federal, State, or local laws and regulations relating to tobacco, tobacco products, and tobacco related devices.

Subd. 3. License. It is unlawful for any person to sell or offer to sell any tobacco, tobacco products, or tobacco related device without first having obtained a license to do so from the City.

Subd. 4. Basis for Denial of License. The following shall be grounds for denying the issuance or renewal of a license under this Section; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the City must deny the license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this Section.

A. The applicant is under the age of eighteen (18) years.

B. The applicant has been convicted within the past five (5) years of any violation of a Federal, State or local law or City Code provision, or other regulation relating to tobacco or tobacco products, or tobacco related devices.

C. The applicant has had a license to sell tobacco, tobacco products or tobacco related devices revoked within the preceding twelve (12) months of the date of application.

D. The applicant fails to provide any information required on the application, or provides false or misleading information.

E. The applicant is prohibited by Federal, State, or local law, City Code provision or other regulation from holding such a license.

Subd. 5. Prohibited Sales. It is a violation of this Section for any person to sell or offer to sell any tobacco, tobacco product, or tobacco related device:

A. To any person under the age of eighteen (18) years.

B. By means of any type of vending machine, except as may otherwise be provided in this Section.

C. By means of self-service methods whereby the customer does not need to make verbal or written request to an employee of the licensed premises in order to receive the tobacco, tobacco related product, or tobacco related device and whereby there is not a physical exchange of the tobacco, tobacco product, or tobacco related device between the licensee or the licensee's employee and the customer.

D. By means of loosies as defined herein.

E. Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process.

F. By any other means, or to any other person, or in any other manner or form prohibited by Federal, State or other local law, City Code provision, or other regulations.

Subd. 6. Vending Machines. It is unlawful for any person licensed under this Section to allow the sale of tobacco, tobacco products, or tobacco related devices by the means of a vending machine unless minors are at all times prohibited from entering the licensed establishment.

Subd. 7. Self-Service Sales. It is unlawful for a licensee under this Section to allow the sale of tobacco, tobacco products, or tobacco related devices by any means whereby the customer may have access to such items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the tobacco, tobacco product, or the tobacco related device between the licensee or his or her clerk and the customer. All tobacco, tobacco products, and tobacco related devices shall either be stored behind a counter or other area not freely accessible to customers or in a case or other storage unit not left open and accessible to the general public. Any retailer selling tobacco, tobacco products, or tobacco related devices on the effective date of this Section shall comply with this Section within sixty (60) days.

Subd. 8. Responsibility. All licensees under this Section shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products or tobacco related devices on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this Section shall be construed as prohibiting the City from also subjecting the clerk to whatever penalties are appropriate under this Section, State or Federal law, or other applicable law or regulation.

Subd. 9. Compliance Checks and Inspections. All licensed premises shall be open to inspection by the City police or other authorized City official during regular business hours. From time to time, but at least once per year, the City shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of fifteen (15) years but less than eighteen (18) years to enter the licensed premise to attempt to purchase tobacco, tobacco products, or tobacco related devices. Minors used for the purpose of compliance checks shall be supervised by City designated law enforcement officers or other designated City personnel. Minors used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, or tobacco related devices when such items are obtained as part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this Section shall prohibit compliance checks authorized by State or Federal laws for educational, research, or training purposes, or required for the enforcement of a particular State or Federal law.

Subd. 10. Violations.

A. Notice. Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his or her right to be heard on the accusation.

B. Hearings. If a person accused of violating this Section so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.

C. Hearing Officer. The Council shall serve as hearing officer.

D. Decision. If the hearing officer determines that a violation of this Section did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under this Section, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.

E. Appeals. Appeals of any decision made by the hearing officer shall be filed in the District Court for the City in which the alleged violation occurred.

F. Misdemeanor Prosecution. Nothing in this Section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this Section. If the City elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.

G. Continued Violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

Subd. 11. Penalties.

A. Licensees and Employees. Any licensee, and any employee of a licensee, found to have violated this Section shall be charged an administrative fine of seventy five dollars ($75.00) for a first violation of this Section; two hundred dollars ($200.00) for a second offense at the same licensed premises within a twenty-four (24) month period; and two hundred fifty dollars ($250.00) for a third or subsequent offense at the same location within a twenty-four (24) month period. In addition, after the third offense, the license shall be suspended for not less than seven (7) days.

B. Other Individuals. Other individuals, other than minors regulated herein, found to be in violation of this Section shall be charged an administrative fee of fifty dollars ($50.00) for a first violation; one hundred dollars ($100.00) for a second violation; and one hundred fifty dollars ($150.00) for a third violation.

B. Misdemeanor. Nothing in this Section shall prohibit the City from seeking prosecution as a misdemeanor for any violation of this Section.

Source: Ordinance No. 23, 2nd
Effective Date: 06-18-1998

(CODIFIER'S NOTE: See Chapter 10 for tobacco provisions relating to minors.)

SEC. 6.22. SOLICITORS.

Subd. 1. Purpose. This Section is not intended to in any way hinder, delay or interfere with legitimate business or organizational activities. The Council finds, however, that solicitors have used public streets and their direct contact with residents of the City for the illegitimate solicitation practices of harassment, nuisance, theft, deceit, or menacing, troublesome or unlawful activities. This Section is intended to ferret out and control: (l) businesses and organizations using solicitation as a means of concealing unlawful activities; and, (2) businesses and organizations which, though its activities be lawful or even commendable, use such illegitimate practices in solicitation; and, (3) individual natural persons who, though they represent lawful businesses and organizations, use such illegitimate solicitation practices. The Council further finds that a large number of the residents of the City are employed as their livelihood and means of support by manufacturing plants and other businesses on shifts rotating between night and day, and to disturb them during their sleeping hours for the purpose of solicitation is a source of nuisance or even harassment and should be subject to control.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

1. "Solicitor" means any person making the solicitation, including such common terms as "peddler", "transient merchant" and "canvasser".

2. "Solicitee" means the person solicited.

3. "Goods" means any tangible thing of value including money if the selling price exceeds the face value thereof. The term includes such chattels as are furnished or used at the time of sale or subsequently in the modernization, rehabilitation, repair, alteration, improvement or construction of real property so as to become a part thereof whether or not severable therefrom.

4. "Services" means work, labor, or services of any kind.

5. "Established place" means real estate in the City owned, leased on a month-to-month or term-certain longer than thirty (30) days. The term includes a booth, compartment, or area leased or assigned during and for the length of an event or occasion.

6. "Business solicitation" means an attempt by a solicitor, engaging in transactions of the same kind, to sell or distribute for a consideration any goods or services primarily for personal, family, or household purposes, when either the solicitor or person acting for him contacts the solicitee by telephone or in person, other than at the established place of business of solicitor, except: (l) an attempted solicitation in which the solicitee personally knows the identity of the solicitor, the name of the business firm or organization he represents, and the identity or kinds of goods, services or things of value offered; or, (2) an attempted solicitation in which the solicitee has first initiated the contact with the solicitor; or, (3) an attempted solicitation of a newspaper subscription in which the solicitor is a minor child engaged in both the delivery and sale of the newspaper; or, (4) an attempted solicitation for the sale of products of a farm or garden occupied or cultivated by the solicitor, when facts of such occupancy or cultivation are proven by the solicitor.

7. "Contribution solicitation" means an attempt by a solicitor to obtain money from a solicitee for any cause or purpose, when either the solicitor or person acting for him contacts the solicitee by telephone or in person other than at the established place of meeting, business, service, or activity of the organization represented by the solicitor, except: (l) an attempted solicitation in which the solicitee personally knows the identity of the solicitor, the name of the organization he represents, and the identity of the services performed or offered by the organization, or, (2) an attempted solicitation in which the solicitee has first initiated the contact with the solicitor or the organization represented by him.

Subd. 3. Prohibited Solicitation Practices.

A. It is unlawful for any solicitor to engage in solicitation for any unlawful business or organizational purpose or activity.

B. It is unlawful for any solicitor to practice harassment, nuisance, theft, deceit, or menacing, troublesome or otherwise unlawful activities during the course of solicitation.

C. It is unlawful for any solicitor to enter, or attempt to gain entrance, to residential premises displaying at such entrance a sign at least 3-3/4 inches long and 3-3/4 inches high with the words "Peddlers and Solicitors Prohibited" or "Solicitors Prohibited" in type not smaller than forty eight (48) point.

D. It is unlawful for any solicitor to refuse to leave business premises when requested by the owner, lessee, or person in charge thereof.

E. It is unlawful for any person to engage in contribution solicitation without completion of licensing or registration as herein provided.

F. It is unlawful for any person to engage in business solicitation without a license as herein provided.

Subd. 4. Application. Applications for licenses or registration shall contain the name and address of the solicitor, the name and address of the businesses or organization for which solicitations are sought and such other information as may reasonably be required by the Council as a condition to registration or licensing or to permit investigation into the applicant's background, past solicitation practices and criminal history, if any. No application for a business solicitor's license shall be complete unless it is accompanied by a valid and current license issued by the county in which such solicitor proposes to engage in solicitation and such application fee as may be fixed by resolution of the City Council from time to time.

Subd. 5. Investigation, Approval or Disapproval.

A. All completed applications for licensing or registration shall be immediately referred to the Chief of Police, and by him or other persons acting in his stead, to investigate the background of the applicant, including a criminal history check by computerized criminal history or other available sources of information, and to verify the truth of the contents of the application, and the Chief of Police shall have seven (7) business days within which to investigate and make recommendation thereon.

B. If the Chief of Police finds no past history of the applicant indicating violations similar to those declared unlawful in this Section, he shall recommend issuing a license or approving registration, as the case may be, and the City Administrator shall forthwith advise the applicant of the recommendation. The City Administrator shall issue a license to the approved applicant for business solicitation and shall approve the completion of registration by the applicant for a contribution solicitation license.

Source: Ordinance No. 83, 2nd Series
Effective Date: 06-30-2005

Subd. 6. Duration of Contribution Solicitation Registration. Registration of contribution solicitation shall expire sixty (60) days after registration is approved.

Subd. 7. Exclusions. The City may exclude certain classes of solicitor events from compliance with licensing or registration provisions of this Section. Provided, however, that such exclusion shall not extend to the prohibited solicitation practices set forth in Subdivision 3, Subparagraphs A through D, inclusive, of this Section.

SEC. 6.23. GARBAGE AND REFUSE HAULERS.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

1. "Garbage" means all putrescible wastes, including animal offal and carcasses of dead animals but excluding human excreta, sewage and other water-carried wastes.

2. "Other refuse" means ashes, glass, crockery, cans, paper, boxes, rags and similar non-putrescible wastes but excluding sand, earth, brick, stone, concrete, trees, tree branches and wood.

Subd. 2. License Required. It is unlawful for any person to haul garbage or other refuse for hire without a license therefore from the City, or to haul garbage or other refuse from his own residence or business property other than as herein excepted.

Subd. 3. Exception. Nothing in this Section shall prevent persons from hauling garbage or other refuse from their own residences or business properties provided the following rules are observed: (l) that all garbage is hauled in containers that are water-tight on all sides and the bottom and with tight-fitting covers on top, (2) that all other refuse is hauled in vehicles with leak-proof bodies and completely covered or enclosed by canvas or other means or material so as to completely eliminate the possibility of loss of cargo, and, (3) that all garbage and other refuse shall be dumped or unloaded only at the designated sanitary land-fill.

Subd. 4. Hauler Licensee Requirements.

A. Hauler licenses shall be granted only upon the condition that the licensee have water-tight, packer-type vehicles in good condition to prevent loss in transit of liquid or solid cargo, that the vehicle be kept clean and as free from offensive odors as possible and not allowed to stand in any street longer than reasonably necessary to collect garbage or refuse, and that the same be dumped or unloaded only at the designated sanitary land-fill, and strictly in accordance with regulations relating thereto.

B. Before a garbage and refuse hauler's license shall be issued, the applicant shall file with the City Administrator evidence that he has provided public liability insurance on all vehicles in at least the sum of two hundred and fifty thousand dollars ($250,000.00) for the injury of one person, five hundred thousand dollars ($500,000.00) for the injury of two (2) or more persons in the same accident, and one hundred thousand dollars ($l00,000.00) for property damages.

C. The Council, in the interest of maintaining healthful and sanitary conditions in the City, hereby reserves the right to specify and assign certain areas to all licensees, and to limit the number of licenses issued.

SEC. 6.24. KENNELS.

Subd. 1. Defined. For the purpose of this Section, the term "kennel" means any place, building, tract of land, abode or vehicle, wherein or whereon three (3) or more dogs or cats, or combination, over ninety (90) days of age, are kept, kept for sale, or boarded.

Subd. 2. License Required. It is unlawful for any person to operate or maintain a kennel without a license therefor from the City.

Subd. 3. Exception. Hospitals and clinics operated by licensed veterinarians exclusively for the care and treatment of animals are exempt from the provisions of this Section.

Subd. 4. Zoning. No license shall be issued to a person for operation of a kennel in a zoning district where such operation is not permitted or otherwise allowed under the Zoning Chapter of the City Code.

Source: City Code
Effective Date: 03-15-1992

SEC. 6.25. SEWER AND WATER INSTALLER.

Subd. 1. License Required. It is unlawful for any person to construct, reconstruct or repair for others, water connections, sewers or connections with public sewers, without a license therefore from the City.

Subd. 2. Insurance. No license shall be issues until the applicant has filed with the City a policy or certificate of public liability insurance for coverage concurrent with the licensed term and with limits of at least one million dollars ($1,000,000.00), and provided, further, that on any project over one million dollars ($1,000,000.00), the City will be named as an additional insured. Such policy shall not be subject to cancellation except upon fifteen (l5) days' written notice to the City.

SEC. 6.26. PAWNBROKERS.

Subd. 1. Defined. The term “pawnbroker” means a person who loans money secured by deposit or pledge of personal property, or who buys personal property on condition of selling the same or returning the same back at a stipulated price.

Subd. 2. License Required. It is unlawful for any person to engage in or carry on the business of pawnbroker without a license therefore from the City.

Subd. 3. Records.

A. Each person licensed hereunder shall keep a record of each transaction made in the course of his/her business. Such record shall be in the form prescribed by the Chief of Police and shall, in all instances, be legibly made in ink and be in the English language. The record so kept shall include the following information about each transaction:

1. The name, address and date of birth of the person pledging or selling the item.

2. The time and date of the transaction.

3. A complete description of the item pledged or sold, including all identifying numbers and identifying marks.

4. The identification presented of the individual making the pledge or selling the item.

5. A description of the person pledging or selling the item.

6. The amount of money paid or loaned for the item.

7. The signature of the person pledging or selling the item.

8. Any other information the Police Chief shall require.

B. The records herein shall be kept available for police inspection at any reasonable time at the licensee's place of business.

Subd. 4. Minors. It is unlawful for any pawnbroker to purchase or receive on deposit or pledge any property from any minor person under the age of eighteen (18) years.

Subd. 5. Redemption Period. Any person pledging an article shall have ninety (90) days to redeem the same before the pledge becomes forfeitable.

Subd. 6. Police Order to Hold Property. Whenever the Chief of Police or any member of the police force designated by the Chief of Police, shall notify any such dealer or dealers not to sell any property so received on deposit or purchased by them, or permit the same to be redeemed, such property shall not be sold or permitted to be redeemed until such time as may be determined by the Chief of Police or member of the police force designated by the Chief of Police so requiring them to be held.

Subd. 7. Hours and Days of Operation. It is unlawful for any pawnbroker to receive any property as a purchase or pledge between the hours of 9:00 o'clock P.M. and 7:00 o'clock A.M. on any weekday, nor between the hours of 9:00 o'clock P.M. on Saturday and 7:00 o'clock A.M. on Monday, nor on New Year's Day, the Fourth of July, Thanksgiving Day and Christmas Day.

Subd. 8. Report of Stolen or Lost Goods. If any goods, articles or things shall be advertised in any public newspaper as having been lost or stolen, and such goods, articles or things shall then be, or shall thereafter come into the possession of the licensee, said licensee shall, upon actual notice thereof, notify the Police Department in writing that certain goods, articles or things advertised are in said licensee's possession, and shall not thereafter dispose of the same except upon written authority so to do from the Chief of Police.

Source: Ordinance No. 44, 2nd Series
Effective Date: 08-29-2002

SEC. 6.27. GARAGE SALES.

Subd. 1. <u>Definitions</u>. The following terms as used in this Section shall have the meanings stated:

a) "Garage Sale" means any display and sale of personal property conducted on a premises located in any residential zoned district including but not limited to R-1, R-1A, R-2, R-M or any other residential district that may be created in the future, and which garage sale does not require a business license or make taxable sales, leases or services.

Subd. 2. Restrictions & Prohibitions on Garage Sales.

a) No items offered for sale shall have been obtained for re-sale or received on consignment for sale.

b) Any garage sale shall be conducted solely within the boundaries of the property owned or occupied by the persons conducting the sale.

c) There shall be no more than seven (7) garage sales conducted at any one premises during any calendar year.

d) No single garage sale shall be conducted during any part of more than three (3) consecutive days.

e) No garage sale shall be commenced before 7:00 a.m. or continue past 8:00 p.m.

f) Once a year an individual may have garage sales on consecutive weekends. With the exception of this one time per year provision allowing garage sales on consecutive weekends, all other garage sales by any given individual shall be separated by at least 30 days.

Subd. 3. Exceptions. This Section shall not apply to any sale under a Court Order, nor to any bonafide auction sale, nor to a sale exclusively of farm or garden products by the person producing the same.

Subd. 4. Violations. It is unlawful for any person to conduct a garage sale in violation of any provision of this Section of the City Code.

Section 2. City Code, Chapter 1, entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation", and Section 6.99 entitled "Violations a Misdemeanor or Petty Misdemeanor" are hereby adopted in their entirety by reference as though repeated verbatim herein.

Adopted by the City Council of the City of Paynesville this 27th day of December, 2006.

Source: Ordinance No. 94, 2nd Series
Effective Date: 01-04-07

(Sections 6.28 through 6.98, inclusive, reserved for future expansion.)

(Pages 196 through 204 reserved)

SEC. 6.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: City Code
Effective Date: 03-15-1992