

**TITLE XI: BUSINESS REGULATIONS**

Chapter

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**CHAPTER 110: GENERAL BUSINESS LICENSING**

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## **SECTION 110.01 DEFINITIONS.**

For the purpose of this title the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

**APPLICANT.** Any person making an application for a license under this title.

**APPLICATION.** A form with blanks or spaces thereon, to be filled in and completed by the applicant as a 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.

**BOND.** A corporate surety document in the form and with the provisions acceptable and specifically approved by the City Attorney.

**BUSINESS.** 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 title.

**LICENSE.** A document issued by the city to an applicant permitting the applicant to carry on and transact a business.

**LICENSEE.** An applicant who, pursuant to an application, holds a valid, current, unexpired and unrevoked license from the city for carrying on a business.

**LICENSE FEE.** The money paid to the city pursuant to an application and prior to issuance of a license to transact and carry on a business.

**SALE, SELL and SOLD.** All forms of barter and all manner or means of furnishing merchandise to persons.  
(‘83 Code, SEC. 6.01)

## **SEC. 110.02 APPLICATIONS.**

All applications shall be made as follows:

(A) All applications shall be made at the office of the Clerk-Treasurer upon forms that have been furnished by the city for such purposes.

(B) All applications must be subscribed, sworn to, and include the information as the Council shall deem necessary considering the nature of the business for which license application is made.

(C) It is unlawful for any applicant to intentionally make a false statement or omission upon any application form. Any false statement in the application, or any willful omission to state any information called for on the application form, shall, upon discovery of the 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.

(D) The Clerk-Treasurer 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 the extent as he or she deems necessary. For the investigation the Clerk-Treasurer may enlist the aid of the Chief of Police. The Council shall not consider an application before the investigation has been completed.

(E) Applications for renewal licenses may be made in the abbreviated form as the Council

may by resolution adopt.

(‘83 Code, SEC. 6.02) Penalty, see SEC. 110.99

**SEC. 110.03 GRANT, ISSUANCE, TRANSFER, DUPLICATE LICENSE AND RENEWAL.**

(A) *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. All applications, including proposed license periods, must be consistent with this title.

(B) *Issuing.* If an application is approved, the Clerk-Treasurer shall forthwith issue a license pursuant thereto in the form prescribed by the Council upon proof of ownership, 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 one-twelfth for each calendar month or part thereof remaining in the then current license year. Provided, that for licenses where the fee is less than \$100 a minimum license fee equal to ½ of the annual license fee shall be charged. Except as to licenses which are specifically city-wide, licenses shall be valid only at one location and on the premises therein described.

(C) *Transfer.* A license shall be transferable between persons upon consent of the Council. No license shall be transferable to a different location without prior consent of the Council and upon payment of the fee for a duplicate license. It is unlawful to make any transfer in violation of this division (C).

(D) *Termination.* Licenses shall terminate only by expiration or revocation.

(E) *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 the licensee opportunity to be heard. Notice to be given and the exact time of hearing shall be stated in the resolution calling for the hearing.

(F) *Duplicate license.* Duplicates of all original licenses may be issued by the Clerk-Treasurer, without action by the Council, upon licensee’s affidavit that the original has been lost, and upon payment, to be determined by Clerk’s Office, for issuance of the duplicate. All duplicate licenses shall be clearly marked DUPLICATE.  
(‘83 Code, SEC. 6.03)

(G) *Renewals.* Applications for renewal of an existing license shall be made at least 30 days prior to the date of expiration of the license, and shall contain the information as is required by the city. This time requirement may be waived by the Council for good and sufficient cause.  
(‘83 Code, SEC. 6.09)

**SEC. 110.04 LICENSE FEES.**

Except as otherwise herein provided, all fees for licenses under this title shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. The 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 Clerk-Treasurer, and open to inspection during regular business hours. For the purpose of fixing the fees, the Council may subdivide and categorize licenses under a specific license requirement, provided, that any subdivision or categorization shall be included in the resolution authorized by this section. ('83 Code, SEC. 6.04)

**SEC. 110.05 CARRYING OR POSTING OF LICENSE.**

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. Provided, however, that in the case of machine or other device licensing, the city may provide a sticker for the current license year which shall be affixed to each machine or device requiring the sticker. All licensees shall display their licenses upon demand by any officer or citizen. ('83 Code, SEC. 6.05)

**SEC. 110.06 RESPONSIBILITY OF 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 title. ('83 Code, SEC. 6.06) Penalty, see SEC. 110.99

**SEC. 110.07 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 the license, shall be deemed the conduct of the licensee. ('83 Code, SEC. 6.07) Penalty, see SEC. 110.99

**SEC. 110.08 CONDITIONAL LICENSES.**

Notwithstanding any provision of law to the contrary, the Council may, upon a finding of the necessity therefor, place the conditions and restrictions upon a license as it, in its discretion, may deem reasonable and justified. ('83 Code, SEC. 6.08)

**SEC. 110.09 INSURANCE REQUIREMENTS.**

Whenever insurance is required by a section of this title, after approval by the Council, but before the license shall issue, the applicant shall file with the Clerk-Treasurer a policy or certificate of public liability insurance showing that the limits are at least as high as required, that coverage is effective for at least the license term approved, and that the insurance will not be cancelled or terminated without 30 days' written notice served upon the Clerk-Treasurer. Cancellation or termination of the coverage shall be grounds for license revocation.  
(‘83 Code, SEC. 6.10)

**SEC. 110.10 AUTHORITY OF COUNCIL AS TO DENIAL, RATES AND HEARING.**

(A) *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 title where the 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 the business in making the determination. Provided, however, that before making the determination, the Council shall hold a public hearing thereon pursuant to the notice to interested parties and the public as it may deem necessary or proper in action calling for the hearing.

(B) *Rates.* Where, under specific provisions of this title, the Council has reserved to itself the right to fix or approve fees, rates or charges of a licensed or regulated business, the 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.

(C) *Hearing.* Any applicant or licensee under this title 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 therefor. Notice of time, place and purpose of the hearing shall be given to the persons and by the means as the Council may determine in calling the hearing.  
(‘83 Code, SEC. 6.11)

**SEC. 110.99 PENALTY.**

Every person violates a section, subdivision, paragraph or provision of this title when he or she performs an act thereby prohibited or declared unlawful, or fails to act when the 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. The penalty which may be imposed for any crime which is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both. The costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.  
(‘83 Code, SEC. 6.99)

## CHAPTER 111: ALCOHOLIC BEVERAGES

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## **GENERAL PROVISIONS**

### **SECTION 111.001 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

**ALCOHOLIC BEVERAGE.** Any beverage containing more than one-half of one percent alcohol by volume, including, but not limited to, “beer,” “wine,” and “liquor” as defined in this section.

**APPLICANT.** Any person making an application for a license under this chapter.

**APPLICATION.** A form with blanks or spaces thereon, to be filled in and completed by the applicant as his or her 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. (Ord. 31, 2nd Series, effective 4-16-86)

**BEER.** Malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2% alcohol by weight. (This definition includes so-called “malt coolers” with the alcoholic content limits stated herein.)

**BREWER.** A person who manufactures beer for sale.

**CHURCH.** A building which is primarily used as a place where persons of the same faith regularly assemble for the public worship of God. (Ord. 31, 2nd Series, effective 4-16-86)

**CLUB.** An incorporated organization organized under the laws of the state for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans’ organization, which has more than 50 members; has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members; and is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body. The club or congressionally chartered veterans’ organization must have been in existence for at least three years.

**COMMISSIONER.** The Minnesota Commissioner of Public Safety. (Ord. 31, 2nd Series, effective 4-16-86)

**EXCLUSIVE LIQUOR STORE.** An establishment used exclusively for the sale of liquor except for the incidental sale of ice, tobacco, beer, beverages for mixing with liquor, soft drinks, cork extraction devices, and books and videos on the use of alcoholic beverages in the preparation of food, and the establishment may offer recorded or live entertainment.

**EXCLUSIVE LIQUOR STORE** also includes an on-sale or combination on-sale and off-sale liquor establishment which sells food for on-premise consumption when authorized by the city. (Ord. 54, 2nd Series, effective 11-26-88)

**FULL MENU.** At least two meals, consisting of a luncheon and a dinner, during the hours of wine and liquor sales on at last five days each calendar week, exclusive of Sundays; the luncheon must consist of at least four items served for at least two hours between 11:00 a.m. and 2:00 p.m. and the dinner must be served of at least four items served for at least four hours between 5:00 p.m. and midnight.

**HOTEL/MOTEL.** An establishment where food and lodging are regularly furnished to transients and which has a dining room serving the general public at tables and having facilities for seating at least 30 guests at one time, and at least ten guest rooms. (Ord. 102, 2nd Series, effective 5-13-95)

**LICENSE.** A document, issued by the city, to an applicant permitting him or her to carry on and transact the business stated therein.

**LICENSE FEE.** The money paid to the city pursuant to an application and prior to issuance of a license to transact and carry on the business stated therein. (Ord. 31, 2nd Series, effective 4-16-86)

**LICENSED BED AND BREAKFAST.** An establishment licensed under city code, SEC.SEC. 114.01 through 114.03. (Ord. 79, 2nd Series, effective 8-18-92)

**LICENSED PREMISES.** The space or structure described in the issued license. Unless limited in the issued license, in the case of a restaurant or a club licensed for on-sales of alcoholic beverages and located on a golf course, **LICENSED PREMISES** means the entire golf course except for areas where motor vehicles are regularly parked or operated. (Ord. 102, 2nd Series, effective 5-13-95)

**LICENSEE.** An applicant who, pursuant to his or her approved application, holds a valid, current, unexpired license, which has neither been revoked nor is then under suspension, from the city for carrying on the business stated therein.

**LIQUOR.** Ethyl alcohol and distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2% of alcohol by weight. (This definition includes so-called "wine coolers" and "malt coolers" with the alcoholic content limits stated herein.)

**MALT LIQUOR.** Any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

**MANUFACTURER.** Every person who, by any process of manufacture, fermenting, brewing, distilling, refining, rectifying, blending, or by the combination of different materials, prepares or produces alcoholic beverages for sale. (Ord. 31, 2nd Series, effective 4-16-86)

**MINOR.** Any natural person who has not attained the age of 21 years. (Ord. 63, 2nd Series, effective 7-21-90)

**OFF-SALE.** The sale of alcoholic beverages in original packages for consumption off the licensed premises only.

**ON-SALE.** The sale of alcoholic beverages for consumption on the licensed premises only.

***PACKAGE*** and ***ORIGINAL PACKAGE***. Any container or receptacle holding alcoholic beverages, which container or receptacle is corked, capped or sealed by a manufacturer or wholesaler.

**RESTAURANT.** An establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public, and having seating capacity for at least 30 guests. (Ord. 102, 2nd Series, effective 5-13-95)

**SALE, SELL and SOLD.** All barbers and all manners or means of furnishing beer, wine or liquor to persons, including the furnishing in violation or evasion of law.

**WHOLESALE.** Any person engaged in the business of selling alcoholic beverages to a licensee from a stock maintained in a warehouse. (Ord. 31, 2nd Series, effective 4-16-86)

**WINE.** The product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake. (This definition includes "wine coolers" with the alcoholic content limits stated herein.) For purposes of on-sale wine licenses, **WINE** may contain up to 14% alcohol by volume for consumption with the sale of food. For all other purposes, **WINE** is a product containing not less than one-half of one percent nor more than 24% alcohol by volume for nonindustrial use. (Ord. 102, 2nd Series, effective 5-13-95) ('83 Code, SEC. 5.01)

## **GENERAL LICENSING PROVISIONS**

### **SEC. 111.015 APPLICATION AND FEES.**

(A) All applications shall be made at the office of the Clerk-Treasurer upon forms prescribed by the city, or if by the Commissioner, then together with the additional information as the Council may desire. Information required may vary with the type of business organization making application. All questions asked or information required by the application forms shall be answered fully and completely by the applicant. Every application for the issuance or renewal of an alcoholic beverage license must include a copy of each summons received by the applicant during the preceding year under M.S. § 340A.802, as it may be amended from time to time. (Ord. 54, 2nd Series, effective 11-26-88)

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

(C) At the time of the initial application, an applicant for an on-sale liquor license, an applicant for an beer license, or an applicant for an on-sale wine license shall pay to the city an application fee as established by Council, which fee shall be considered an application and investigation fee, not refundable to applicant, to cover the costs of the city in processing the application and the investigation thereof. No fee shall be required of an applicant for a temporary beer license. Should the Council or the Bureau of Criminal Apprehension determine that a comprehensive background investigation of an applicant for an on-sale liquor license is necessary, if the investigation is conducted within the state or the actual cost of the investigation

does not exceed current limits then the applicant shall pay to the city an investigation fee as established by the City Council Fee Schedule. If the investigation is required outside the state an increased investigation fee takes effect, as established by the City Council Fee Schedule. ('83 Code, SEC. 5.02, Subds. 1, 2, 3) (See annual Fee Schedule.)

**SEC. 111.016 ACTION ON APPLICATION.**

(A) *Granting.* The Council may approve any application for the period of the remainder of the then current license year or for the entire ensuing license year. All applications including proposed license periods must be consistent with this chapter. Prior to consideration of any application for a license, the applicant shall pay the license fee, and if applicable, pay the investigation fee. Upon rejection of any application for a license, or upon withdrawal of an application before approval of the issuance by the Council, the license fee shall be refunded to the applicant. Failure to pay any portion of a fee when due shall be cause for revocation.

(B) *Issuing.* If an application is approved, the Clerk-Treasurer shall forthwith issue a license pursuant thereto in the form prescribed by the city or the proper Department of the State of Minnesota, as the case may be, and upon payment of the license fee. All licenses shall be on a calendar year basis unless otherwise specified herein. For licenses issued and which are to become effective other than on the first day of the licensed year, the fee to be paid with the application shall be a pro rata share of the annual license fee. Licenses shall be valid only at one location and on the premises therein described.

(C) *License refund in certain cases.* In the event that, during the license year, the licensed premises shall be destroyed or so damaged by fire, or otherwise, that the licensee shall cease to carry on the licensed business, or in case the business of the licensee shall cease by reason of his or her illness or death, or if it shall become unlawful for the licensee to carry on the licensed business under his or her license, except when the license is revoked, the city shall, upon the happening of any event, refund to the licensee, or to his or her estate, the part of the license fee paid by him as corresponds to the time the license had yet to run. In the event of death of the licensee, his or her personal representative is hereby authorized to continue operation of the business for not more than 90 days after the death of the licensee.

(D) *Transfer.* A license shall be transferable between persons upon consent of the Council and payment of the investigation fee. No license shall be transferable to a different location without prior consent of the Council and payment of the fee for a duplicate license. It is unlawful to make any transfer in violation of this division (D). (Ord. 31, 2nd Series, effective 4-16-86)

(E) *Refusal and termination.* The Council may, in its sole discretion and for any reasonable cause, refuse to grant any application. No license shall be granted to a person of questionable moral character or business reputation. Licenses shall terminate only by expiration or revocation.

(F) *Revocation or suspension.* For any license granted under the provisions of this chapter, the Council may revoke, suspend for a period not to exceed 60 days, impose a civil fine not to exceed \$2,000, or any combination of these sanctions, for each violation on a finding that the licensee has failed to comply with a statute, regulation or provision of the city code relating to alcoholic beverages. The Council shall revoke the license upon conviction of any licensee or agent or employee of a licensee for violating any law relating to the sale or possession of beer, wine or liquor upon premises of the licensee, or if the revocation is mandatory by statute. If it shall be made to appear at the hearing thereon that the violation was not willful, the Council may order suspension; provided that revocation shall be ordered upon the third violation or offense. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing before the Council, a committee of the Council, or a hearing under the Administrative Procedures Act, as may be determined by the Council in action calling the hearing. The hearing shall be called by the Council upon written notice to the licensee served in person or by certified mail not less than 15 nor more than 30 days prior to the hearing date, stating the time, place and purpose thereof. As additional restrictions or regulations on licensees under this chapter, and in addition to grounds for revocation or suspension stated in the city code or statute, the following shall also be grounds for the action:

(1) That the licensee suffered or permitted illegal acts upon licensed premises unrelated to the sale of beer, wine or liquor;

(2) That the licensee had knowledge of the illegal acts upon licensed premises, but failed to report the same to police;

(3) That the licensee failed or refused to cooperate fully with police in investigating the alleged illegal acts upon licensed premises; or

(4) That the activities of the licensee created a serious danger to public health, safety, or welfare. (Ord. 102, 2nd Series, effective 5-13-95)

(G) *Corporate applicants and licensees.* A corporate applicant, at the time of application, shall furnish the city with a list of all persons that have an interest in the corporation and the extent of the interest. The list shall name all shareholders and show the number of shares held by each, either individually or beneficially for others. It is the duty of each corporate licensee to notify the city Clerk-Treasurer in writing of any change in legal ownership, or beneficial interest in the corporation or in the shares. Any change in the ownership or beneficial interest in the shares entitled to be voted at a meeting of the shareholders of a corporate licensee, which results in the change of voting control of the corporation by the persons owning the shares therein, shall be deemed equivalent to a transfer of the license issued to the corporation, and any license shall be revoked 30 days after any change in ownership or beneficial interest of shares unless the Council has been notified of the change in writing and has approved it by appropriate action. The Council, or any officer of the city designated by it, may at any reasonable time examine the stock transfer records and minute books of any corporate licensee in order to verify and identify the shareholders, and the Council or its designated officer may examine the business records of any other licensee to the extent necessary to disclose the interest which persons other than the licensee have in the licensed business. The Council may revoke any license issued upon its determination that a change of ownership of shares in a corporate licensee or any change of ownership of any interest in the business of any other licensee has actually resulted in the change of control of the licensed business so as materially to affect the integrity and character of its management and its operation, but no action shall be taken until after a hearing by the Council on notice to the licensee.

(‘83 Code, SEC. 5.02, Subd. 4)

**SEC. 111.017 DISQUALIFICATIONS.**

(A) No license under this chapter may be issued, or renewed, to:

(1) A person who within five years of the license application has been convicted of any felony or a willful violation of a federal or state law, or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution, of alcoholic beverages;

(2) A person who has had an alcoholic beverage license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than 5% of the capital stock of a corporate licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any person is in any manner interested;

(3) A person under the age of 21 years; or

(4) A person not of good moral character and repute.

(B) No person holding a license from the Commissioner as a manufacturer, brewer (except as provided by statute), wholesaler or importer, may have a direct or indirect interest, in whole or in part, in a business holding an alcoholic beverage license from the city.

(‘83 Code, SEC. 5.02, Subd. 8) (Ord. 127, 2nd Series, effective 5-16-98)

(C) No license under this chapter shall be granted for operation on any premises upon which taxes, assessments, or installments thereof, or other financial claims of the city are owed. (‘83 Code, SEC. 5.04)

**SEC. 111.018 ISSUANCE OF LICENSE TO ONE PERSON OR PREMISES.**

(A) *Limitation on issuance of licenses to one person or place.* No more than one off-sale liquor license shall be issued to any one person or for any one place. (‘83 Code, SEC. 5.05) (Ord. 76, 2nd Series, effective 1-18-92)

(B) *Premises licensed.* A license issued under the provisions of this chapter shall be valid only for the premises described in the license, and all transactions relating to a sale under the license must take place within the space or structure. (‘83 Code, SEC. 5.07) (Ord. 102, 2nd Series, effective 5-13-95)

**SEC. 111.019 FINANCIAL RESPONSIBILITY OF LICENSEES.**

(A) *Proof.* No beer, wine or liquor license shall be issued or renewed unless and until the applicant has provided proof of financial responsibility imposed by Minnesota Statutes, by filing with the city a certificate that there is in effect an insurance policy or pool providing minimum coverages of:

(1) \$50,000 because of bodily injury to any one person in any one occurrence, and, subject to the limit for one person, in the amount of \$100,000 because of bodily injury to two or more persons in any one occurrence, and in the amount of \$10,000 because of injury to or destruction of property of others in any one occurrence; and

(2) \$50,000 for loss of means of support of any one person in any one occurrence; and, subject to the limit for one person, \$100,000 for loss of means of support of two or more persons in any one occurrence. (Ord. 31, 2nd Series, effective 4-16-86)

(B) *Exception.* This section does not apply to on-sale beer licensees with sales of beer of less than \$10,000 for the preceding year, nor to off-sale beer licensees with sales of beer of less than \$20,000 for the preceding year, nor does it apply to holders of on-sale wine licenses with sales of wine of less than \$10,000 for the preceding year. An affidavit of the licensee shall be required to establish the exemption under this division (B).

(C) *Documents submitted to Commissioner.* All proofs of financial responsibility and exemption affidavits filed with the city under this section shall be submitted by the city to the Minnesota Commissioner of Public Safety.  
(‘83 Code, SEC. 5.13)

#### **SEC. 111.020 INSURANCE CERTIFICATE REQUIREMENTS.**

Whenever an insurance certificate is required by this chapter the applicant shall file with the Clerk-Treasurer a certificate of insurance showing that the limits are at least as high as required, that coverage is effective for at least the license term approved, and that the insurance will not be cancelled or terminated without 30 days’ written notice served upon the Clerk-Treasurer. Cancellation or termination of the coverage shall be grounds for license revocation.  
(‘83 Code, SEC. 5.14) (Ord. 7, 2nd Series, effective 5-15-84)

#### **SEC. 111.021 POSTING OF LICENSE REQUIRED.**

All licensees shall conspicuously post their licenses in their places of business.  
(‘83 Code, SEC. 5.02, Subd. 6) Penalty, see SEC. 110.99

#### **SEC. 111.022 RESIDENT MANAGER OR AGENT.**

Before a license is issued under this chapter to an individual who is a non-resident of the city, to more than one individual whether or not they are residents of the city, or to a corporation, partnership, or association, the applicant or applicants shall appoint in writing a natural person who is a resident of the city as its manager or agent. The resident manager or agent shall, by the terms of his or her written consent, take full responsibility for the conduct of the licensed premises, and, serve as agent for service of notices and other process relating to the license. The manager or agent must be a person who, by reason of age, character, reputation, and other attributes, could qualify individually as a licensee. If the manager or agent ceases to be a resident of the city or ceases to act in the capacity for the licensee without appointment of a successor, the license issued pursuant to the appointment shall be subject to revocation or suspension. (‘83 Code, SEC. 5.02, Subd. 7)

#### **SEC. 111.023 DUPLICATE LICENSE; RENEWAL OF LICENSE.**

(A) Duplicates of all original licenses under this chapter may be issued by the Clerk-Treasurer without action by the Council, upon licensee’s affidavit that the original has been lost, and upon payment of a fee of \$2 for issuance of the duplicate. All duplicate licenses shall be clearly marked DUPLICATE. (‘83 Code, SEC. 5.02, Subd. 5)

(B) Applications for renewal of all licenses under this chapter shall be made at least 60 days prior to the date of expiration of the license, and shall contain the information as is required by the city. This time requirement may be waived by the Council for good and sufficient cause.

All license fees for the ensuing license year shall be paid in the form of cash, certified check, cashier's check or money order by the fifteenth day of December prior thereto. ('83 Code, SEC. 5.03)

**SEC. 111.024 CONDITIONAL LICENSES.**

It shall be a condition upon every license issued under this chapter that the circumstances under which license is issued shall remain substantially the same during the entire period of the license. Any change in circumstance adversely affecting the eligibility of the holder of the license to be then issued the license shall be grounds for revocation, suspension, or civil fine. Notwithstanding any provision of law to the contrary, the Council may, upon a finding of the necessity therefor, place the special conditions and restrictions, in addition to those stated in this chapter, upon any license as it, in its discretion, may deem reasonable and justified. ('83 Code, SEC. 5.06) (Ord. 39, 2nd Series, effective 4-23-87)

**SEC. 111.025 LICENSE FEE INCREASES.**

No license fee for on-sale or off-sale beer, on-sale or off-sale liquor (including clubs), or on-sale wine, shall be increased except after notice and hearing thereon. Notice of the proposed increase shall be mailed at least 30 days before the hearing date to all then-current licensees and persons, if any, whose applications for the licenses are then pending before the Council. (Ord. 63, 2nd Series, effective 7-21-90)

***OPERATION OF LICENSED PREMISES; PROHIBITED CONDUCT***

**SEC. 111.040 UNLAWFUL ACTS.**

(A) *Consumption.* It is unlawful for any person to consume, or any licensee to permit consumption of, beer, wine or liquor on licensed premises more than 20 minutes after the hour when a sale thereof can legally be made.

(B) *Removal of containers.* It is unlawful for any on-sale licensee to permit any glass, bottle or other container, containing beer, wine or liquor in any quantity, to remain upon any table, bar, stool or other place where customers are served, more than 20 minutes after the hour when a sale thereof can legally be made.

(C) *Closing.* It is unlawful for any person, other than an on-sale licensee or his or her bona fide employee actually engaged in the performance of his or her duties, to be on premises licensed under this chapter more than 30 minutes after the legal time for making licensed sales. Provided, however, that this division shall not apply to licensees, employees of licensees and patrons on licensed premises for the sole purpose of preparing, serving or consuming food or beverages other than beer, wine or liquor. ('83 Code, SEC. 5.08) Penalty, see SEC. 110.99

**SEC. 111.041 CONDUCT OF PLACE OF BUSINESS; SALE BY EMPLOYEE.**

(A) Except as herein provided, every licensee under this chapter shall be responsible for the conduct of his or her place of business and shall maintain conditions of sobriety and order

therein. ('83 Code, SEC. 5.09)

(B) Any sale of an alcoholic beverage in or from any premises licensed under this chapter by any employee authorized to make the sale in or from the place is the act of the employer as well as of the person actually making the sale; and every employer is liable to all of the penalties, except criminal penalties, provided by law for the sale, equally with the person actually making the sale. ('83 Code, SEC. 5.10) (Ord. 54, 2nd Series, effective 11-26-88)

#### **SEC. 111.042 PREMISES OPEN TO INSPECTION.**

(A) All premises licensed under this chapter shall at all times be open to inspection by any police officer to determine whether or not this chapter and all other laws are being observed. All persons, as a condition to being issued the license, consent to the inspection by the officers and without a warrant for searches or seizures.

(B) It is unlawful for any licensee, or agent or employee of a licensee, to hinder or prevent a police officer from making the inspection.  
( '83 Code, SEC. 5.11)

#### **SEC. 111.043 GAMBLING PROHIBITED.**

It is unlawful for any licensee to keep, possess, or operate, or permit the keeping, possession, or operation on licensed premises of dice or any other gambling device, or permit raffles to be conducted, except as are licensed by the Charitable Gambling Control Board and then only except as it complies with the established policy of the city.  
( '83 Code, SEC. 5.15) Penalty, see SEC. 110.99

#### **SEC. 111.044 UNLAWFUL ACTS BY MINORS.**

(A) *Consumption.* It is unlawful for any:

(1) Licensee to permit any minor to consume alcoholic beverages on licensed premises.

(2) Minor to consume alcoholic beverages except in the household of the minor's parent or guardian, and then only with the consent of the parent or guardian.

(B) *Purchasing.* It is unlawful for any person:

(1) To sell, barter, furnish, or give alcoholic beverages to a minor unless the person is the parent or guardian of the minor, and then only for consumption in the household of the parent or guardian.

(2) Minor to purchase or attempt to purchase any alcoholic beverage.

(3) To induce a minor to purchase or procure any alcoholic beverage.

(C) *Possession.* It is unlawful for a minor to possess any alcoholic beverage with the intent to consume it at a place other than the household of the minor's parent or guardian. Possession

of an alcoholic beverage by a minor at a place other than the household of the parent or guardian is prima facie evidence of intent to consume it at a place other than the household of his or her parent or guardian. (Ord. 31, 2nd Series, effective 4-16-86)

(D) *Entering licensed premises.* It is unlawful for any minor, as defined in this chapter, to enter licensed premises for the purpose of purchasing or consuming any alcoholic beverage. It is unlawful for a licensee to permit a person under the age of 18 years to enter licensed premises unless the person is attending a social event, consuming a meal, performing work for the establishment not including the serving or selling of alcoholic beverages, or in the company of a parent or guardian. (Ord. 95, 2nd Series, effective 10-15-94)

(E) *Misrepresentation of age.* It is unlawful for a minor to misrepresent his or her age for the purpose of purchasing an alcoholic beverage. (Ord. 31, 2nd Series, effective 4-16-86)

(F) *Proof of age.* Proof of age for purchasing or consuming alcoholic beverages may be established only by a valid driver's license or identification card issued by Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person; or by a valid military identification card issued by the United States Department of Defense; or, in the case of a foreign national, from a nation other than Canada, by a valid passport. (Ord. 102, 2nd Series, effective 5-13-95)

(G) *Qualification for license.* No minor shall qualify for a license. (Ord. 31, 2nd Series, effective 4-16-86)  
(‘83 Code, SEC. 5.16)

#### **SEC. 111.045 NUDITY OR OBSCENITY PROHIBITED.**

(A) *Definitions.* For the purpose of this section the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

**NUDITY.** Uncovered, or less than opaquely covered, post-pubertal human genitals, pubic areas, the post pubertal human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.

**OBSCENE PERFORMANCE.** A play, motion picture, dance, show or other presentation, whether pictured, animated or live, performed before an audience and which in whole or in part depicts or reveals nudity, sexual conduct, sexual excitement or sado-masochistic abuse, or which includes obscenities or explicit verbal descriptions or narrative accounts of sexual conduct.

**OBSCENITIES.** Those slang words currently generally rejected for regular use in mixed society, that are used to refer to genitals, female breasts, sexual conduct or excretory functions or products, either that have no other meaning or that in context are clearly used for their bodily, sexual or excretory meaning.

**SADO-MASOCHISTIC ABUSE.** Flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

**SEXUAL CONDUCT.** Human masturbation, sexual intercourse, or any touching of the

genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

***SEXUAL EXCITEMENT.*** The condition of human male or female genitals or the breasts of the female when in a state of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

(B) *Unlawful act.* It is unlawful for any person issued a license provided for in this chapter to permit upon licensed premises any nudity, obscene performance, or continued use of obscenities by any agent, employee, patron or other person.

(‘83 Code, SEC. 5.90) Penalty, see SEC. 110.99

### **SEC. 111.046 SALES OF CONFECTIONS CONTAINING ALCOHOL OR LIQUEUR-FILLED CANDY.**

(A) *Confections containing alcohol.* It is unlawful for any person to sell a confection containing alcohol to any person under the age of 21 years. For purposes of this section, ***CONFECTION CONTAINING ALCOHOL*** means a confection containing or bearing not more than 5% alcohol by volume where the alcohol is in a nonliquid form by reason of being mixed with other substances in the manufacture of the confection, does not include “liqueur-filled candy” as herein defined, and may be sold only by an exclusive liquor store licensed under this chapter or a business establishment that derives more than 50% of its gross sales from the sale of confections. (‘83 Code, SEC. 5.20)

(B) *Liqueur-filled candy.* It is unlawful for any person to sell liqueur-filled candy to any person under the age of 21 years. For purposes of this section, ***LIQUEUR-FILLED CANDY*** means any confectionery containing more than one-half of one percent alcohol by volume in liquid form that is intended for or capable of beverage use, and may be sold only by an eligible licensee under this chapter. (‘83 Code, SEC. 5.21) (Ord. 102, 2nd Series, effective 5-13-95)

## ***BEER LICENSES***

### **SEC. 111.060 BEER LICENSE REQUIRED.**

It is unlawful for any person, directly or indirectly, on any pretense or by any device, to sell, barter, keep for sale, or otherwise dispose of beer, as part of a commercial transaction, without a license therefor from the city. This section shall not apply to sales by manufacturers to wholesalers or to sales by wholesalers to persons holding beer licenses from the city. Annual on-sale beer licenses may be issued only to drug stores, restaurants, hotels, bowling centers, clubs, and establishments used exclusively for the sale of beer with the incidental sale of tobacco and soft drinks. Any person licensed to sell liquor on-sale shall not be required to obtain an on-sale beer license, and may sell beer on-sale without an additional license. Any person licensed to sell liquor off-sale shall not be required to obtain an off-sale beer license, and may sell beer off-sale without an additional license.

(‘83 Code, SEC. 5.30) (Am. Ord. 54, 2nd Series, effective 11-26-88) Penalty, see SEC. 110.99

**SEC. 111.061 BEER LICENSE FEES.**

(A) The annual on-sale beer license fee shall be set by resolution by the City Council. See Fee Schedule.

(B) The annual off-sale beer license fee shall be set by resolution by the City Council. See Fee Schedule.

(C) The temporary, two day, on-sale beer license fee shall be set by resolution by the City Council. See Fee Schedule.

('83 Code, SEC. 5.31) (Ord. 154, 2nd Series, passed 12-10-02)

***Cross-reference:***

*License fee increases, see SEC. 111.025*

### **SEC. 111.062 TEMPORARY BEER LICENSE.**

(A) *Applicant.* A club or charitable, religious, or non-profit organization, duly incorporated as a non-profit or religious corporation under the laws of the State of Minnesota, and having its registered office and principal place of activity within the city, shall qualify for a temporary on-sale beer license, for serving beer on and off school grounds, and in and out of school buildings. The license may provide that the licensee may contract with the holder of a full-year on-sale licensee, issued by the city, for beer catering services. (Ord. 54, 2nd Series, effective 11-26-88)

(B) *Conditions.*

(1) An application for a temporary license shall state the exact dates and place of proposed temporary sale.

(2) The Council may, but at no time shall it be under any obligation whatsoever to, grant a temporary beer license on premises owned or controlled by the city. Any license may be conditioned, qualified or restricted as the Council sees fit. If the premises to be licensed are owned or under the control of the city, the applicant shall file with the city, prior to issuance of the license, a certificate of liability insurance coverage in at least the sum of \$50,000 for injury to any one person and \$100,000 for injury to more than one person, and \$10,000 for property damage, naming the city as an insured during the license period. The license shall be issued only on the condition that the applicant will not sell in excess of \$10,000 (retail value) worth of beer in any calendar year, and thereupon shall be exempt from proof of financial responsibility as provided for herein.

(3) The applicant shall comply with all other restrictions, limitations and regulations for the sale of beer under the city code and statutes. (Ord. 127, 2nd Series, effective 5-16-98) ('83 Code, SEC. 5.32) Penalty, see SEC. 110.99

### **SEC. 111.063 BEER LICENSE RESTRICTIONS AND REGULATIONS.**

(A) No licensee shall, during the effective period of the license, be the owner or holder of a federal retail liquor dealer's tax stamp for the sale of intoxicating liquor, unless the owner or holder also holds a liquor license from the city, and ownership or holding thereof shall be grounds for immediate revocation, without a hearing. (Ord. 31, 2nd Series, effective 4-16-86)

(B) No person who has not attained the age of 18 years shall be employed to sell or serve beer in any on-sale establishment. (Ord. 54, 2nd Series, effective 11-26-88)

(C) Except as otherwise provided in this chapter, no license shall be granted for any building within 100 feet of any public elementary or secondary school structure, or within 100 feet of any church structure.

(D) Every license shall be granted subject to the provisions of this chapter and all other applicable provisions of the city code and other laws relating to the operation of licensee's business. (Ord. 31, 2nd Series, effective 4-16-86) ('83 Code, SEC. 5.33)

**SEC. 111.064 HOURS AND DAYS OF BEER SALES.**

No sale of beer shall be made between the hours of 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between the hours of 1:00 a.m. and 12:00 noon on Sunday. ('83 Code, SEC. 5.34) (Ord. 54, 2nd Series, effective 11-26-88) Penalty, see SEC. 110.99

**SEC. 111.065 UNLAWFUL ACTS INVOLVING BEER.**

It is unlawful for any:

- (A) Person to knowingly induce another to make an illegal sale or purchase of beer.
  - (B) Licensee to sell or serve beer to any person who is obviously intoxicated.
  - (C) Licensee to fail, where doubt could exist, to require adequate proof of age of a person upon licensed premises.
  - (D) Licensee to sell beer on any day, or during any hour, when sales are not permitted by law.
  - (E) Licensee to allow consumption of beer on licensed premises on any day when sales of beer are not permitted by law.
  - (F) Person to purchase beer on any day, or during any hour, when sales of beer are not permitted by law.
- ('83 Code, SEC. 5.35) (Ord. 31, 2nd Series, effective 4-16-86) Penalty, see SEC. 110.99

***LIQUOR LICENSES*****SEC. 111.080 LIQUOR LICENSE REQUIRED.**

(A) It is unlawful for any person, directly or indirectly, on any pretense or by any device, to sell, barter, keep for sale, or otherwise dispose of liquor, as part of a commercial transaction, without a license therefor from the city. This section shall not apply to:

- (1) The potable liquors as are intended for therapeutic purposes and not as a beverage;
- (2) Industrial alcohol and its compounds not prepared or used for beverage purposes;
- (3) Wine in the possession of a person duly licensed under this chapter as an on-sale wine licensee;
- (4) Sales by manufacturers to wholesalers duly licensed as such by the Commissioner;
- (5) Sales by wholesalers to persons holding liquor licenses from the city; or
- (6) The providing by a person holding an off-sale license from the city of samples of malt liquor, wine, liqueurs, and cordials which the licensee currently has in stock and is offering for sale to the general public, provided the malt liquor, wine, liqueur, and cordial samples are dispensed at no charge and consumed on the licensed premises during permitted hours of off-sale in a quantity less than 100 milliliters of malt liquor per variety per customer, 50 milliliters of wine per variety per customer and 25 milliliters of liqueur or cordial per variety per customer.

- (B) Any person licensed to sell liquor on-sale shall not be required to obtain an on-sale beer

license, and may sell beer on-sale without an additional license. The city may issue annual on-sale liquor licenses only to the following:

- (1) Hotels;
- (2) Restaurants;
- (3) Bowling centers;
- (4) Clubs or congressionally chartered veterans' organizations, provided that liquor sales will be made only to members and bona fide guests; and
- (5) Exclusive liquor stores. ('83 Code, SEC. 5.50) (Ord. 59, 2nd Series, effective 8-12-89)

#### **SEC. 111.081 LIQUOR LICENSE FEES.**

(A) The annual on-sale liquor license fees shall be, as follows:

- (1) For restaurants, hotels or motels providing a full menu shall be set by resolution by the City Council. See Fee Schedule.
- (2) For exclusive liquor stores, restaurants, hotels or motels not providing a full menu shall be set by resolution by the City Council. See Fee Schedule.

(B) The annual off-sale liquor license fee shall be set by resolution by the City Council. See Fee Schedule.

(C) The annual Sunday liquor license fee shall be set by resolution by the City Council. See Fee Schedule.

(D) The annual club on-sale liquor license fee shall be set by resolution by the City Council. In the case of a club with a membership of 200 or less the annual license fee shall be set at a lesser amount. See Fee Schedule.

(E) The sports or convention facilities liquor license fee shall be set by resolution by the City Council. See Fee Schedule. (Ord. 31, 2nd Series, effective 4-16-86)

(F) The temporary liquor license fee shall be set by resolution by the City Council. See Fee Schedule. (Ord. 63, 2nd Series, effective 7-21-90) ('83 Code, SEC. 5.51)

#### **SEC. 111.082 LIQUOR LICENSE RESTRICTIONS AND REGULATIONS.**

(A) No license shall be effective until a permit shall be issued to a licensee under the laws of the United States, if the permit be required under the laws or the State of Minnesota. (Ord. 31, 2nd Series, effective 4-16-86)

(B) No person under 18 years of age may sell or serve liquor on licensed premises. (Ord. 54, 2nd Series, effective 11-26-88)

(C) No licensee shall sell, offer for sale, or keep for sale, liquor in any original package which has been refilled or partly refilled.

(D) No licensee shall display liquor to the public during hours when the sale of liquor is prohibited.

(E) No license shall be granted for any building within 100 feet of any public elementary or secondary school structure or within 100 feet of any church structure. (Ord. 31, 2nd Series,

effective 4-16-86)

(F) No more than a total of six off-sale liquor licenses shall be outstanding at any one time. In order to qualify for an off-sale license, the applicant shall, among other things, be the holder of an on-sale license and the operator of an on-sale establishment. For purposes of this division, the person who owns and controls on a day-to-day basis at least 51% of an applicant which is a corporation, partnership, or other business organization, may be deemed to be the holder of the license and operator of the establishment. (Ord. 39, 2nd Series, effective 4-23-87)

(G) No on-sale liquor license shall be granted to any person which does not have invested or does not propose to invest in the fixtures and structure of the licensed establishment, exclusive of land, at least \$150,000 on a replacement cost, less depreciation basis. The Council may provide for an independent appraisal, at the expense of the applicant, as an aid- in determining the value. If this provision is not complied with within one year from the date of initial issuance of the license, the same shall be grounds for refusal or revocation of the license.

(H) Every license shall be granted subject to the provisions of this chapter and all other applicable provisions of the city code and other laws relating to the operation of the licensed business. (Ord. 31, 2nd Series, effective 4-16-86)  
(‘83 Code, SEC. 5.52)

### **SEC. 111.083 HOURS AND DAYS OF LIQUOR SALES.**

No on-sale shall be made after 1:00 a.m. on Sunday, nor between the hours of 1:00 a.m. and 8:00 a.m. on Monday through Saturday. No off-sale shall be made on Sunday nor before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday, nor on Thanksgiving Day or Christmas Day, December 25. No sale of liquor shall be made after 8:00 p.m. on December 24. This section does not prohibit sales during hours when on-sale is permitted on Sunday as stated in SEC. 111.084 of this chapter. (‘83 Code, SEC. 5.53)

### **SEC. 111.084 SUNDAY SALES.**

The electorate of the city having heretofore authorized the same, a Sunday on-sale liquor license may be issued to hotels, motels, restaurants, bowling centers, and clubs, which have facilities for serving not less than 30 guests at one time. The hours of the sales shall be from 12:00 noon, or 10:00 a.m. if the licensee is in compliance with the Minnesota Clean Air Act, on Sunday to 1:00 a.m. on Monday in conjunction with the serving of food.  
(‘83 Code, SEC. 5.54) (Ord. 59, 2nd Series, effective 8-12-89)

### **SEC. 111.085 UNLAWFUL ACTS INVOLVING LIQUOR.**

It is unlawful for any:

- (A) Person to knowingly induce another to make an illegal sale or purchase of liquor.
- (B) Licensee to sell liquor on any day, or during any hour, when sales of liquor are not permitted by law.
- (C) Person to purchase liquor on any day, or during any hour, when sales of liquor are not permitted by law.
- (D) Licensee to sell or serve liquor to any person who is obviously intoxicated.
- (E) Licensee to fail, where doubt could exist, to require adequate proof of age of a person upon licensed premises.

(‘83 Code, SEC. 5.55) (Ord. 31, 2nd Series, effective 4-16-86)

### **SEC. 111.086 SPORTS OR CONVENTION FACILITIES LICENSE.**

The Council may authorize any holder of an on-sale liquor license issued by the city or by an adjacent municipality to sell liquor at any convention, banquet, conference, meeting or social affair conducted on the premises of a sports or convention facility owned by the city, or instrumentality thereof having independent policy-making and appropriating authority and located within the city. The licensee must be engaged to sell liquor at such an event by the person or organization permitted to use the premises, and may sell liquor only to persons attending the event. The licensee shall not sell liquor to any person attending or participating in any amateur athletic event. The sales may be limited to designated areas of the facility. All the sales shall be subject to all laws relating thereto. No club licensee shall qualify to serve liquor in the facilities.

(‘83 Code, SEC. 5.56)

### **SEC. 111.087 TEMPORARY LIQUOR LICENSE.**

(A) *License authorized.* Notwithstanding any provision of the city code to the contrary, the Council may issue a license for the temporary on-sale of liquor in connection with a social event sponsored by the licensee. The license will provide that the licensee shall contract with the holder of a full-year on-sale license, issued by the city, for liquor catering services. (Ord. 63, 2nd Series, effective 7-21-90)

(B) *Applicant.* The applicant for a license under this section must be a club or charitable, religious, or other non-profit organization in existence for at least three years, or a political committee registered under M.S. § 10A.14, as it may be amended from time to time. (Ord. 102, 2nd Series, effective 5-13-95)

(C) *Terms and conditions of license.*

(1) No license is valid until approved by the Commissioner. (Ord. 63, 2nd Series, effective 7-21-90)

(2) No license shall be issued for more than four consecutive days. (Ord. 127, 2nd Series, effective 5-16-98)

(3) No (temporary) license shall issue until the city is furnished with written proof that the licensee has dram shop coverage in the amount provided for in this chapter, and that the coverage is in force on the premises where liquor is to be served.

(4) All licenses and licensees are subject to all provisions of statutes and the city code relating to liquor sale and licensing. The licensee shall provide proof of financial responsibility coverage and, in the case of catering by a full-year on-sale licensee, the caterer shall provide proof of the extension of the coverage to the licensed premises.

(5) Licenses may authorize sales on premises other than those owned or permanently occupied by the licensee. (Ord. 63, 2nd Series, effective 7-21-90)

(6) No more than three four-day, four three-day or six two-day licenses in any combination not to exceed 12 days per year may be issued to any one organization or registered political committee, or for any one location within a 12-month period.

(D) *Insurance required.* The Council may, but at no time shall it be under any obligation whatsoever to, grant a temporary liquor license on premises owned or controlled by the city. Any license may be conditioned, qualified or restricted as the Council sees fit. If the premises to be licensed are owned or under the control of the city, the applicant shall file with the city, prior to issuance of the license, a certificate of liability insurance coverage in at least the sum of \$50,000 for injury to any one person, \$100,000 for injury to more than one person, and \$10,000 for property damage, naming the city as an insured during the license period. (Ord. 127, 2nd Series, effective 5-16-98)  
(‘83 Code, SEC. 5.57)

## ***ON-SALE WINE***

### **SEC. 111.100 ON-SALE WINE LICENSE PROVISIONS.**

(A) *On-sale wine license required.* It is unlawful for any person to sell, or keep or offer for sale, any wine without a license therefor from the city. This section shall not apply to possession or handling for sale or otherwise of sacramental wine or any representative of any religious order or for use in connection with a legitimate religious ceremony, to sales by manufacturers to wholesalers duly licensed as such by the State of Minnesota, to sales by wholesalers to persons holding on-sale or off-sale liquor licenses from the city, or to sales by wholesalers to persons holding on-sale wine licenses from the city.

(B) *On-sale wine license fee.* The annual on-sale wine license fee shall be set by resolution by the City Council. See Fee Schedule. (Ord. 3, 2nd Series, effective 2-25-84)

(C) *On-sale wine license restrictions and regulations.*

(1) No license shall be granted to a wholesaler or manufacturer of wine, or to anyone holding a financial interest in the manufacture or wholesaling.

(2) No license shall be effective until a permit shall be issued to a licensee under the laws of the United States, if the permit be required under the laws or the State of Minnesota.

(3) No person under 18 years of age may sell or serve wine on licensed premises. (Ord. 54, 2nd Series, effective 11-26-88)

(4) No licensee shall display wine to the public on days or during hours when the sale of wine is prohibited.

(5) No license shall be granted for any building within 100 feet of any public elementary or secondary school structure or within 100 feet of any church structure. (Ord. 7, 2nd Series, effective 5-15-84)

(6) No more than one license shall be held by any person. For the purpose of this division, any person owning a beneficial interest of 5%, or more, of any licensed establishment shall be considered a licensee.

(7) No on-sale wine license shall be granted to any person which does not have invested or does not propose to invest in the fixtures and structure of the licensed establishment, exclusive of land, at least \$150,000 for a restaurant or \$50,000 for a licensed bed and breakfast facility, on a replacement cost, less depreciation basis. The Council may provide for an independent appraisal, at the expense of the applicant, as an aid in determining the value. If this

provision is not complied with within one year from the date of initial issuance of the license, the same shall be grounds for refusal or revocation of the license.

(8) On-sale wine licenses shall be granted only to restaurants and licensed bed and breakfast facilities as defined in this chapter. Provided, however, for purposes of this section, the restaurant shall have appropriate facilities for seating not less than 30 guests at one time. (Ord. 79, 2nd Series, effective 8-18-92)

(9) Every license shall be granted subject to the provisions of this chapter and all other applicable provisions of the city code and other laws relating to the operation of the licensed business.

('83 Code, SEC. 5.70) Penalty, see SEC. 110.99

### **SEC. 111.101 HOURS AND DAYS OF SALES BY ON-SALE WINE LICENSEES.**

No on-sale sale of wine shall be made between 1:00 a.m. and 12:00 noon on Sunday, nor between 12:00 midnight and 8:00 a.m. on Monday, nor between the hours of 1:00 a.m. and 8:00 a.m. on Tuesday through Saturday, nor between the hours of 8:00 p.m. on December 24 and 8:00 a.m. on December 25.

('83 Code, SEC. 5.71) (Ord. 54, 2nd Series, effective 11-26-88) Penalty, see SEC. 110.99

### **SEC. 111.102 UNLAWFUL ACTS INVOLVING WINE.**

It is unlawful for any:

(A) Person to knowingly induce another to make an illegal sale or purchase of wine.

(B) Licensee to sell wine on any day, or during any hour, when sales of wine are not permitted by law.

(C) Person to purchase wine on any day, or during any hour, when sales of wine are not permitted by law.

(D) Licensee to sell or serve wine to any person who is obviously intoxicated.

(E) Licensee to fail, where doubt could exist, to require adequate proof of age of a person upon licensed premises.

(F) Licensee to sell wine except in conjunction with the sale of food. (Ord. 31, 2nd Series, effective 4-16-86)

(G) Licensed bed and breakfast facility licensee to furnish wine to any person who is not a registered guest of the facility. (Ord. 79, 2nd Series, effective 8-18-92)  
( '83 Code, SEC. 5.72) Penalty, see SEC. 110.99

### **SEC. 111.103 ON-SALE WINE LICENSE NOT REQUIRED FOR BED AND BREAKFAST FACILITY.**

No on-sale wine license is required for a bed and breakfast facility as defined in Chapter 152 and registered with the Commissioner, provided the facility provides no more than two glasses per day each containing not more than four fluid ounces of wine at no additional charge to a person renting a room at the facility. Wine so furnished may be consumed on the premises of the bed and breakfast facility.

(‘83 Code, SEC. 5.73) (Ord. 127, 2nd Series, effective 5-16-98)

## **CONSUMPTION AND DISPLAY**

### **SEC. 111.115 ONE DAY LICENSE.**

(A) *License required.* Any non-profit organization desiring to serve liquids for the purpose of mixing with liquor and permitting the consumption and display of liquor in conjunction with a social activity sponsored by it, shall first obtain a license therefor from the city. It is unlawful for any organization to fail to obtain the license.

(B) *Term.* The term of the license shall be one day only.

(C) *Limitation on number.* No more than ten licenses shall be issued in any calendar year.

(D) *License fee.* The fee for the one-day license shall be set by resolution by the City Council. See Fee Schedule.

(E) *Approval.* In addition to Council approval, the license must be approved by the Commissioner of Public Safety.

(‘83 Code, SEC. 5.80) Penalty, see SEC. 110.99

### **SEC. 111.116 BOTTLE CLUBS.**

(A) *Definition.* For purposes of this section, the term **BOTTLE CLUB** is a “club” as defined in this chapter, or an unincorporated society which, except for its lack of incorporation, otherwise meets the requirements of a club, and which is not otherwise licensed for the sale of liquor, either on-sale or off-sale or both.

(B) *Consumption and display license required.* It is unlawful for any bottle club or for any business establishment to allow the consumption or display of liquor or the serving of any liquid for the purpose of mixing liquor without a license therefor from the city, but a bottle club as herein defined and licensed may permit its members to bring and keep a personal supply of liquor in lockers assigned to the members.

(C) *Consumption and display license fee.* The annual consumption and display license fee shall be set by resolution by the City Council. See Fee Schedule.

(D) *Consumption and display restrictions and regulations.*

(1) Every bottle, container or other receptacle containing liquor stored by a member of a bottle club shall have attached to it a label signed by the member of the club, shall be kept in a locker designated to the use of the member, and no other liquor shall be on bottle club premises.

(2) It is unlawful for any club member who is a minor to be assigned a locker for the storage of liquor or to consume or display liquor on any premises under control by the club. (Ord. 54, 2nd Series, effective 11-26-88)

(3) It is unlawful to consume or allow consumption or display of liquor in any bottle club or business establishment between the hours of 1:00 a.m. and 12:00 noon on Sundays, and between 1:00 a.m. and 8:00 a.m. on Monday through Saturday. (Ord. 31, 2nd Series, effective 4-16-86)

(4) No license shall be issued to any bottle club when a member of the board, management, executive committee, or other similar body chosen by its members, or when a business establishment or the owner thereof holds a federal retail liquor dealer's special tax stamp for the sale of liquor.

(5) Liquor sold, served or displayed in violation of this section shall be subject to seizure for purposes of evidence.

(6) No license shall be issued unless the licensee can seat and serve food to not less than 500 persons at one time and in one room.

(E) *Other licenses.* An on-sale liquor or wine licensee may also be licensed for consumption and display.

(F) *State permit required.* It is unlawful for any person or business establishment, directly or indirectly, or upon any pretense or by any device, to allow the consumption or display of liquor, or the serving of any liquid for the purpose of mixing of liquor, without first having obtained a permit therefor from the State of Minnesota. The state permit shall expire on March 31 of each year. (Ord. 80, 2nd Series, effective 11-18-92) ('83 Code, SEC. 5.81)

## **CHAPTER 112: AMUSEMENTS**

### Section

#### *Amusement Devices*

- 112.01 Definitions
- 112.02 License required
- 112.03 Unlawful use and devices

#### *Dances*

- 112.15 Definitions
- 112.16 License required
- 112.17 Application; conditions of license

#### *Shows*

- 112.30 License required
- 112.31 Exceptions

#### *Billiards, Pool, Bowling, And The Like*

- 112.45 License required

112.46 Practices prohibited

***Roller Skating Rinks***

112.60 License required

112.61 Regulations

***Miniature Golf Courses***

112.75 License required

112.76 Insurance

## *AMUSEMENT DEVICES*

### **SECTION 112.01 DEFINITIONS.**

For the purpose of this subchapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

**AMUSEMENT DEVICE.** Includes game of skill, coin amusement, and video game as herein defined.

**ARCADE.** A contiguous area in which more than six amusement devices are kept for use by the public generally.

**COIN AMUSEMENT.** Any machine which upon the insertion of a coin, token or slug, operates or may be operated and is available to the public generally for entertainment or amusement, which machine emits music, noise or displays motion pictures.

**DISTRIBUTOR.** The person who places amusement devices on premises not owned by him or under his or her control, which devices may be played by the public generally for a price paid either directly or indirectly.

**GAME OF SKILL.** Any device excepting pool and billiard tables, bowling alleys and shooting lanes, but including miniatures thereof, played by manipulating special equipment and propelling balls or other projectiles across a board or field into respective positions whereby a score is established, which is available to be played by the public generally at a price paid either directly or indirectly for the privilege.

**VIDEO GAME.** Any electrical device which displays objects on a screen and upon insertion of a coin, token or slug may be played by the public generally for entertainment or amusement.

(‘83 Code, SEC. 6.30, Subd. 1)

### **SEC. 112.02 LICENSE REQUIRED.**

It is unlawful for any person to have upon premises owned or controlled by him any amusement device, or operate an arcade, without a license therefor from the city. It is unlawful for any person to be a distributor without a license therefor from the city. (‘83 Code, SEC. 6.30, Subd. 2) Penalty, see SEC. 110.99

### **SEC. 112.03 UNLAWFUL USE AND DEVICES.**

It is unlawful for any person to:

(A) Sell or maintain a machine or device which is for gambling or contains an automatic pay-off device;

(B) Give any prize, award, merchandise, gift, or thing of value to any person on account of operation of the device;

(C) Sell or maintain, or permit to be operated in his or her place of business, any amusement device equipped with an automatic pay-off device;

(D) Equip any amusement device with an automatic pay-off device;

(E) Permit the playing of coin amusement machines between the hours of 1:00 a.m. and 6:00 a.m. of any day; or

(F) If he or she is a licensee, agent or employee of a licensee, knowingly permit a minor to be present on the premises in violation of the curfew laws or permit a person under the age of 17 to be present on the premises when school is in session unless on a valid excused absence.  
(‘83 Code, SEC. 6.30, Subd. 3) Penalty, see SEC. 110.99

## *DANCES*

### **SEC. 112.15 DEFINITIONS.**

For the purpose of this subchapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

***PUBLIC DANCE.*** Any dance wherein the public may participate by payment, directly or indirectly, of an admission fee or price for dancing, which fee may be in the form of a club membership, or payment of money, directly or indirectly.

***PUBLIC DANCING PLACE.*** Any room, place, or space open to public patronage in which dancing, wherein the public may participate, is carried on and to which admission may be had by the public by payment, directly or indirectly, of an admission fee or price for dancing.  
(‘83 Code, SEC. 6.31, Subd. 1)

### **SEC. 112.16 LICENSE REQUIRED.**

It is unlawful for any person to operate a public dancing place, or hold a public dance, without a license therefor from the city.  
(‘83 Code, SEC. 6.31, Subd. 2) Penalty, see SEC. 110.99

### **SEC. 112.17 APPLICATION; CONDITIONS OF LICENSE.**

(A) A verified application for a dance license shall be filed with the city and shall specify the names and addresses of the person, persons, committee or organization that is to hold the dance, time and place thereof, and the area of the dance floor.

(B) All applications shall be accompanied by affidavits of two residents showing that the applicant is of good character and reputation in the community in which he or she lives, that he or she has not been convicted of a felony, gross misdemeanor, or violation of any public dance laws within the past five years. No license shall be issued to any person who has been so convicted.

(C) No license shall be granted by the Council for any place having so-called “private apartments” or “private rooms” furnished or used for any purposes other than a legitimate business purpose which adjoins the dancing place, or which may be reached by stairs, elevators, or passageway leading from the dancing place. Nor shall a license be granted for any place which is not properly ventilated and equipped with necessary toilets, washrooms or lighting facilities.

(D) Applications shall be referred by the Council to the Chief of Police for investigation and report prior to being acted upon by the Council.

(E) The Council shall act upon all dance license applications at a regular or special meeting thereof, whether or not it is included in the call or agenda of the meeting.

(F) At least one officer of the law shall be designated by the Chief of Police and employed by the city to be present at every public dance during the entire time the dance is being held. For purposes of this division (F), the term **OFFICER OF THE LAW** means any person who is a full-time peace officer, part-time peace officer, or person deputized by the Chief of Police. In the discretion of the Council or the Chief of Police, more than one police officer may be required.

(G) The dance license shall be posted in the public dancing place and shall state the name of the licensee, the amount paid therefor, and the time and place licensed. The license shall also state that the licensee is responsible for the manner of conducting the dance.

(H) No license shall be issued to any applicant under the age of 18 years.

(I) Before a license is issued under this section to more than one individual or to a corporation, partnership or association, the applicant or applicants shall appoint in writing a natural person as its agent. The agent, by the terms of the agent's written consent, shall take full responsibility for the conduct of the public dancing place. The agent must be a person who, by reason of age, character, reputation, and other attributes, could qualify individually as a licensee. (Ord. 67, 2nd Series, effective 7-21-90)

(J) Notwithstanding any provisions of law to the contrary, the Council may, pursuant to general Council policy established by resolution or upon a special finding of the necessity therefor, place the regulations, conditions and restrictions, in addition to those stated in this chapter, upon any license as it, in its discretion, may deem reasonable and justified. All the regulations, conditions and restrictions shall be stated on the license either verbatim or by reference to the Council resolution. (Ord. 78, 2nd Series, effective 5-27-92) ('83 Code, SEC. 6.31, Subd. 3) Penalty, see SEC. 110.99

## ***SHOWS***

### **SEC. 112.30 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 therefor from the city. ('83 Code, SEC. 6.32, Subd. 1) Penalty, see SEC. 110.99

### **SEC. 112.31 EXCEPTIONS.**

No license shall be required in the following instances:

(A) Performances presented in the local schools and colleges, under the sponsorship of the

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 the organization shall be incorporated.  
(‘83 Code, SEC. 6.32, Subd. 2)

### ***BILLIARDS, POOL, BOWLING, AND THE LIKE***

#### **SEC. 112.45 LICENSE REQUIRED.**

It is unlawful for any person to keep or maintain any pool, foosball, billiard, snooker or other game table, or any bowling alley (bowling lane) available for public use without first having obtained a license from the city. (‘83 Code, SEC. 6.33, Subd. 1) Penalty, see SEC. 110.99

#### **SEC. 112.46 PRACTICES PROHIBITED.**

It is unlawful for any:

(A) Pool, foosball, billiard, snooker or other game table licensee to be open between 1:00 a.m. and 8:00 a.m. of any weekday, or between 1:00 a.m. and 12:00 noon on any Sunday, and permit use of the licensed facilities.

(B) Person under the age of 19 years to play pool, foosball, billiards, snooker or other game table where beer or liquor is sold or consumed, unless accompanied by his or her parent or guardian.

(C) Licensee to cause or permit any person under the age of 19 years to play pool, foosball, billiards, snooker or other similar game table where beer or liquor is sold or consumed unless the minor is accompanied by his or her parent or guardian.

(D) Licensee to permit any form of gambling thereon.

(E) Licensee to permit any person to become disorderly or to use profane, obscene or indecent language.

(F) Licensee, not having an on-sale liquor license, to sell or possess, or knowingly allow any person on the licensed premises to sell or possess, intoxicating liquor.  
(‘83 Code, SEC. 6.33, Subd. 2) Penalty, see SEC. 110.99

## ***ROLLER SKATING RINKS***

### **SEC. 112.60 LICENSE REQUIRED.**

It is unlawful for any person to operate a roller skating rink without a license therefor from the city. ('83 Code, SEC. 6.71, Subd. 1) Penalty, see SEC. 110.99

### **SEC. 112.61 REGULATIONS.**

(A) It is the responsibility of every licensee to maintain good order on licensed premises.

(B) No license shall issue until the applicant has filed with the Clerk-Treasurer a policy or certificate of public liability insurance coverage concurrent with the license term with limits of at least \$10,000 for injury to one person, and \$20,000 for each occurrence.  
(‘83 Code, SEC. 6.71, Subd. 2) Penalty, see SEC. 110.99

## ***MINIATURE GOLF COURSES***

### **SEC. 112.75 LICENSE REQUIRED.**

It is unlawful for any person to operate a miniature golf course without a license therefor from the city.

(‘83 Code, SEC. 6.72, Subd. 1) Penalty, see SEC. 110.99

### **SEC. 112.76 INSURANCE.**

No license shall issue until the applicant has filed with the Clerk-Treasurer a policy or certificate of public liability insurance for coverage concurrent with the license term with limits of at least \$10,000 for injury to one person, and \$20,000 for each occurrence.

(‘83 Code, SEC. 6.72, Subd. 2)



**CHAPTER 113: AUCTIONEERS, JUNK DEALERS AND PAWNBROKERS**

## Section

*Auctioneers*

- 113.01 License required
- 113.02 Exceptions

*Junk Dealers*

- 113.15 Definition
- 113.16 License required
- 113.17 Restriction

*Pawnbrokers*

- 113.30 Definitions
- 113.31 License required
- 113.32 Persons disqualified; unemployment clearance required
- 113.33 Change in ownership
- 113.34 Pawn tickets
- 113.35 Records; prohibitions concerning
- 113.36 Effect of non-redemption
- 113.37 Permitted charges
- 113.38 Risk of loss
- 113.39 Motor vehicle title pawn transactions
- 113.40 Violations

## ***AUCTIONEERS***

### **SECTION 113.01 LICENSE REQUIRED.**

It is unlawful for any person to sell property at an auction without a license therefor from the city.

('83 Code, SEC. 6.56, Subd. 1) Penalty, see SEC. 110.99

### **SEC. 113.02 EXCEPTIONS.**

This subchapter shall not apply to a person selling property owned by him or her for at least six months, nor to judicial sales or sales made under court order.

('83 Code, SEC. 6.56, Subd. 2)

## ***JUNK DEALERS***

### **SEC. 113.15 DEFINITION.**

The term ***JUNK*** as used in this subchapter means and includes, but is not limited to, scrap of all kinds such as metal, paper, rags and wood.

('83 Code, SEC. 6.54, Subd. 1)

### **SEC. 113.16 LICENSE REQUIRED.**

It is unlawful for any person to deal in junk without having a license therefor from the city.

('83 Code, SEC. 6.54, Subd. 2) Penalty, see SEC. 110.99

### **SEC. 113.17 RESTRICTION.**

No license shall be granted to any person for operation upon premises contrary to any zoning provision of the city code, or other law.

('83 Code, SEC. 6.54, Subd. 3)

## ***PAWNBROKERS***

### **SEC. 113.30 DEFINITIONS.**

For the purpose of this subchapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

***PAWN TRANSACTION.*** Any loan on the security of pledged goods or any purchase of pledged goods on the condition that the pledged goods are left with the pawnbroker and may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

**PAWNBROKER.** A person engaged in whole or in part in the business of lending money on the security of pledged goods left in pawn, or in the business of purchasing tangible personal property to be left in pawn on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

**PAWNSHOP.** The location at which or premises in which a pawnbroker regularly conducts business.

**PLEGGED GOODS.** Tangible personal property other than a chose in action, securities, bank drafts, or printed evidence of indebtedness, that are purchased by, deposited with, or otherwise actually delivered into the possession of a pawnbroker in connection with a pawn transaction.

(‘83 Code, SEC. 6.59, Subd. 1)

### **SEC. 113.31 LICENSE REQUIRED.**

(A) It is unlawful for any person to engage in the business as a pawnbroker unless the person has a valid license authorizing engagement in the business. Any pawn transaction made without benefit of a license is void.

(B) A separate license is required for each place of business. The city may issue more than one license to a person if that person complies with this subchapter for each license.

(C) No expiration, revocation, suspension, or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the licensee and any pledgor.

(D) The Chief of Police shall be notified by the city of any licensee whose license has expired or been surrendered, suspended, or revoked as provided by this subchapter.

(‘83 Code, SEC. 6.59, Subd. 2) Penalty, see SEC. 110.99

### **SEC. 113.32 PERSONS DISQUALIFIED; UNEMPLOYMENT CLEARANCE REQUIRED.**

(A) No license under this subchapter may be issued or renewed to a person who:

- (1) Is a minor;
- (2) Has been convicted of any crime related to the occupation of pawnbroker; or
- (3) Is not of good moral character or repute.

(‘83 Code, SEC. 6.59, Subd. 3)

(B) No license shall be granted, transferred, or renewed and shall be revoked if the Commissioner notifies the city that the licensee owes the state delinquent unemployment insurance contributions, reimbursements, or benefit overpayments. (‘83 Code, SEC. 6.59, Subd. 4)

### **SEC. 113.33 CHANGE IN OWNERSHIP.**

Any change, directly or beneficially, in the ownership of any licensed pawnshop shall require the application for a new license and the new owner must satisfy all current eligibility requirements.

(‘83 Code, SEC. 6.59, Subd. 5)

**SEC. 113.34 PAWN TICKETS.**

(A) *Entries of pawn tickets.* At the time of making the pawn or purchase transaction, the pawnbroker shall immediately and legibly record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the city:

- (1) A complete and accurate description of the property, including model and serial number if indicated on the property;
- (2) The full name, residence address, residence telephone number, and date of birth of the pledgor or seller;
- (3) The date and time of pawn or purchase transaction;
- (4) The identification number and state of issue from one of the following forms of identification of the seller or pledgor: current valid Minnesota driver’s license; current valid Minnesota identification card; or current valid photo identification card issued by another state or Province of Canada;
- (5) Description of the pledgor including approximate height, sex, and race;
- (6) Amount advanced or paid;
- (7) The maturity date of the pawn transaction and the amount due; and
- (8) The monthly and annual interest rates, including all pawn fees and charges.

(B) *Printed pawn ticket.* The following shall be printed on all pawn tickets:

- (1) The statement that “Any personal property pledged to a pawnbroker within this state is subject to sale or disposal when there has been no payment made on the account for a period of not less than 60 days past the date of the pawn transaction, renewal, or extension; no further notice is necessary. There is no obligation for the pledgor to redeem pledged goods”;
- (2) The statement that “The pledgor of this item attests that it is not stolen, it has no liens or encumbrances against it, and the pledgor has the right to sell or pawn the item”;
- (3) The statement that “This item is redeemable only by the pledgor to whom the receipt was issued, or any person identified in a written and notarized authorization to redeem the property identified in the receipt, or a person identified in writing by the pledgor at the time of the initial transaction and signed by the pledgor.” Written authorization for release of property to persons other than the original pledgor must be maintained along with the original transaction record; and
- (4) A blank line for the pledgor’s signature.

(‘83 Code, SEC. 6.59, Subd. 6)

**SEC. 113.35 RECORDS; PROHIBITIONS CONCERNING.**

(A) The pledgor or seller shall sign a pawn ticket and receive an exact copy of the pawn ticket.

(B) The pawnbroker shall maintain on the premises a record of all transactions of pledged or purchased goods for a period of three years. These records shall be a correct copy of the entries made of the pawn transactions. A pawnbroker shall upon request provide to the appropriate law enforcement agency a complete record of pawn items. (‘83 Code, SEC. 6.59, Subd. 7)

(C) A pawnbroker and any clerk, agent, or employee of a pawnbroker shall not:

(1) Make any false entry in the records of pawn transactions;

(2) Falsify, obliterate, destroy, or remove from the place of business the records, books, or accounts relating to the licensee’s pawn transactions;

(3) Refuse to allow the appropriate law enforcement agency, the Attorney General, or any other duly authorized state or federal law enforcement officer to inspect the pawn records or any pawn goods in the person’s possession during the ordinary hours of business or other times acceptable to both parties;

(4) Fail to maintain a record of each pawn transaction for three years;

(5) Accept a pledge or purchase property from a person under the age of 18 years;

(6) Make any agreement requiring the personal liability of a pledgor or seller, or waiving any provision of this subchapter or providing for a maturity date less than one month after the date of the pawn transaction;

(7) Fail to return pledged goods to a pledgor or seller, or provide compensation as set forth in state statutes, upon payment of the full amount due the pawnbroker unless either the date of redemption is more than 60 days past the date of the pawn transaction, renewal, or extension and the pawnbroker has sold the pledged goods pursuant to state statutes, or the pledged goods have been taken into custody by a court or a law enforcement officer or agency;

(8) Sell or lease, or agree to sell or lease, pledged or purchased goods back to the pledgor or seller in the same, or a related, transaction;

(9) Sell or otherwise charge for insurance in connection with a pawn transaction; or

(10) Remove pledged goods from the pawnshop premises or other storage place approved by the city at any time before unredeemed, pledged goods are sold pursuant to statute. (‘83 Code, SEC. 6.59, Subd. 10) Penalty, see SEC. 110.99

**SEC. 113.36 EFFECT OF NON-REDEMPTION.**

(A) A pledgor shall have no obligation to redeem pledged goods or make any payment on a pawn transaction. Pledged goods not redeemed within at least 60 days of the date of the pawn transaction, renewal, or extension shall automatically be forfeited to the pawnbroker, and qualified right, title, and interest in and to the goods shall automatically vest in the pawnbroker.

(B) The pawnbroker’s right, title, and interest in the pledged goods under this division is

qualified only by the pledgor's right, while the pledged goods remain in possession of the pawnbroker and not sold to a third party, to redeem the goods by paying the loan plus fees and/or interest accrued up the date of redemption.

- (C) A pawn transaction that involves holding only the title to property is subject to M.S. Chapter 168A or 336, as it may be amended from time to time. ('83 Code, SEC. 6.59, Subd. 8)

### **SEC. 113.37 PERMITTED CHARGES.**

(A) A pawnbroker may contract for and receive a pawnshop charge not to exceed 3% per month of the principal amount advanced in the pawn transaction plus a reasonable fee for storage and services. A fee for storage and services may not exceed the amount set by Council as provided for in the Fee Schedule if the property is not in the possession of the pawnbroker.

(B) The pawnshop charge allowed under this division shall be deemed earned, due, and owing as of the date of the pawn transaction and a like sum shall be deemed earned, due, and owing on the same day of the succeeding month. However, if full payment is made more than two weeks before the next succeeding date the pawnbroker shall remit one-half of the pawnshop charge for that month to the pledgor.

(C) Interest shall not be deducted in advance, nor shall any loan be divided or split so as to yield greater interest or fees than would be permitted upon a single, consolidated loan or for otherwise evading any provisions of this subchapter.

(D) Any interest, charge, or fees contracted for or received, directly or indirectly, in excess of the amount permitted under this subchapter, shall be uncollectible and the pawn transaction shall be void.

(E) A schedule of charges permitted by this subchapter shall be posted on the pawnshop premises in a place clearly visible to the general public. ('83 Code, SEC. 6.59, Subd. 9)

### **SEC. 113.38 RISK OF LOSS.**

Any person to whom the receipt for pledged goods was issued, or any person identified in a written and notarized authorization to redeem the pledged goods identified in the receipt, or any person identified in writing by the pledgor at the time of the initial transaction and signed by the pledgor shall be entitled to redeem or repurchase the pledged goods described on the ticket. In the event the goods are lost or damaged while in possession of the pawnbroker, the pawnbroker shall compensate the pledgor, in cash or replacement goods acceptable to the pledgor, for the fair market value of the lost or damaged goods. Proof of compensation shall be a defense to any prosecution or civil action. ('83 Code, SEC. 6.59, Subd. 11)

### **SEC. 113.39 MOTOR VEHICLE TITLE PAWN TRANSACTIONS.**

(A) In addition to the other requirements of this subchapter, a pawnbroker who holds a title to a motor vehicle as part of a pawn transaction shall:

- (1) Be licensed as a used motor vehicle dealer under M.S. Chapter 168, as it may be

amended from time to time, and post the license on the pawnshop premises;

(2) Verify that there are no liens or encumbrances against the motor vehicle with the Department of Public Safety; and

(3) Verify that the pledgor has automobile insurance on the motor vehicle as required by law.

(B) A pawnbroker may not sell a motor vehicle covered by a pawn transaction until 90 days after recovery of the motor vehicle. ('83 Code, SEC. 6.59, Subd. 12) Penalty, see SEC. 110.99

#### **SEC. 113.40 VIOLATIONS.**

A violation of this subchapter is a misdemeanor.

('83 Code, SEC. 6.59, Subd. 14) (Ord. 128, 2nd Series, effective 5-16-98) Penalty, see SEC. 110.99

**CHAPTER 114: BED AND BREAKFAST INNS AND OTHER RENTAL HOUSING**

## Section

***Bed and Breakfast Inns***

- 114.01 Definition
- 114.02 License required
- 114.03 Restriction

***Rental Housing***

- 114.15 License required
- 114.16 Temporary certificate
- 114.17 Code compliance
- 114.18 Display of license and certificate

## ***BED AND BREAKFAST INNS***

### **SECTION 114.01 DEFINITION.**

The term ***BED AND BREAKFAST INN*** has the meaning set forth in city code SEC. 152.003.

(‘83 Code, SEC. 6.73, Subd. 3) (Ord. 38, 2nd Series, effective 9-16-86)

### **SEC. 114.02 LICENSE REQUIRED.**

It is unlawful for any person to operate or maintain, or to allow the operation or maintaining upon property which he or she owns or controls, a bed and breakfast inn without having a license therefor from the city.

(‘83 Code, SEC. 6.73, Subd. 1) (Ord. 38, 2nd Series, effective 9-16-86) Penalty, see SEC. 110.99

***Cross-reference:***

*On-sale wine license not required for bed and breakfast facility, see SEC. 111.103*

### **SEC. 114.03 RESTRICTION.**

No license shall be granted for any person to operate or maintain a bed and breakfast inn contrary to any zoning provision of the city code, or other law.

(‘83 Code, SEC. 6.73, Subd. 2) (Ord. 38, 2nd Series, effective 9-16-86)

## ***RENTAL HOUSING***

### **SEC. 114.15 LICENSE REQUIRED.**

It is unlawful for any person as owner, landlord, agent or manager within the city to rent or cause to be rented any dwelling unit (as defined in city code Chapter 152) without first having obtained for the dwelling unit a license or temporary certificate from the city. It is also unlawful for any person to occupy any dwelling unit unless the unit has a license or temporary certificate from the city.

(‘83 Code, SEC. 6.34, Subd. 1) Penalty, see SEC. 110.99

### **SEC. 114.16 TEMPORARY CERTIFICATE.**

(A) Upon receipt of a completed application for a license, with tender of any appropriate license and inspection fee, the Rental Licensing Official may issue a temporary certificate indicating that a license has been applied for, and that the license will be issued or denied after the dwelling unit has been inspected for compliance with the applicable laws and regulations. A temporary certificate authorizes continued occupancy of the dwelling unit pending the issuance or denial of the applied for license. Dwelling units that are converted to rental usage after the

effective date of the license requirement provided for in this subchapter are required to make application for a temporary certificate prior to occupancy. ('83 Code, SEC. 6.34, Subd. 2)

- (B) Temporary certificates or licenses issued under this subchapter will expire on December 31 of each year. ('83 Code, SEC. 6.34, Subd. 4)

#### **SEC. 114.17 CODE COMPLIANCE.**

No license may be issued unless each dwelling unit for which it is issued meets all minimum applicable housing, building, fire and safety regulations.  
( '83 Code, SEC. 6.34, Subd. 3)

#### **SEC. 114.18 DISPLAY OF LICENSE AND CERTIFICATE.**

Licenses under this subchapter must be prominently and publicly displayed on or in the dwelling unit or public area of the structure containing the dwelling.  
( '83 Code, SEC. 6.34, Subd. 5) Penalty, see SEC. 110.99

**CHAPTER 115: GARBAGE AND REFUSE HAULERS**

## Section

- 115.01 Definitions
- 115.02 License required
- 115.03 Exception
- 115.04 Hauler license requirements

## **SECTION 115.01 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

***GARBAGE.*** All putrescible wastes, including animal offal and carcasses of dead animals but excluding human excreta, sewage and other water-carried wastes.

***OTHER REFUSE.*** Ashes, glass, crockery, cans, paper, boxes, rags and similar non-putrescible wastes but excluding sand, earth, brick, stone, concrete, trees, tree branches and wood.

('83 Code, SEC. 6.51, Subd. 1)

## **SEC. 115.02 LICENSE REQUIRED.**

It is unlawful for any person to haul garbage or other refuse for hire without a license therefor from the city, or to haul garbage or other refuse from his or her own residence or business property other than as herein excepted.

('83 Code, SEC. 6.51, Subd. 2) Penalty, see SEC. 110.99

## **SEC. 115.03 EXCEPTION.**

(A) Nothing in this chapter shall prevent persons from hauling garbage or other refuse from their own residences or business properties provided the following rules are observed:

(1) 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 landfill.

(B) Haulers acting under contract with the city shall not be required to be licensed under this chapter.

('83 Code, SEC. 6.51, Subd. 3) Penalty, see SEC. 110.99

## **SEC. 115.04 HAULER LICENSE 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 Clerk-Treasurer evidence that he or she has provided public liability insurance on all vehicles in at least the sum of \$100,000 for the injury of one person, \$300,000 for the injury of two or more persons in the same accident, and \$50,000 for property damages.

(C) Licensees shall deliver all refuse to the sanitary land-fill and shall be required to pay non-resident rates for any refuse collected outside the city. Collection outside the city and failure to pay non-resident rates therefor shall be grounds for revocation of the license.

(D) 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.

(E) Each applicant shall file with the Clerk-Treasurer, before a garbage and refuse hauler's license is issued or renewed, a schedule of proposed rates to be charged by him or her during the licensed period for which the application is made. The schedule of proposed rates, or a compromise schedule thereof, shall be approved by the Council before granting the license. Nothing herein shall prevent a licensee from petitioning the Council for review of the rates during the licensed period, and the Council may likewise consider the petition and make new rates effective at any time. No licensee shall charge rates in excess of the rates approved by the Council.

(F) No license shall be issued under this chapter for hauling refuse from residential property.

('83 Code, SEC. 6.51, Subd. 4)

**CHAPTER 116: LICENSING OF CERTAIN TRADES**

## Section

***Plumbers***

- 116.01 License required; restriction
- 116.02 Bond required
- 116.03 Insurance required

***Gas Fitters***

- 116.15 License required
- 116.16 Insurance required

***Cement Contractors***

- 116.30 Definition
- 116.31 License required
- 116.32 Bond and insurance

## ***PLUMBERS***

### **SECTION 116.01 LICENSE REQUIRED; RESTRICTION.**

(A) It is unlawful for any person to engage in the work or business of plumbing or the installation of water or sewer pipes without a license therefor from the city.

('83 Code, SEC.6.52, Subd. 1)

(B) No person shall be licensed under this subchapter unless he or she shall have a license from the Minnesota State Board of Health, and any revocation or suspension by the State Board of Health shall immediately revoke or suspend the license issued by the city. ('83 Code, SEC. 6.52, Subd. 2)

(Ord. 35, effective 2-10-04; Ord. 233, effective 2-13-35; Ord. 319, effective 9-14-54) Penalty, see SEC. 110.99

### **SEC. 116.02 BOND REQUIRED.**

Before a license shall be granted to any person as a plumber, he or she shall execute and deposit with the city a corporate surety bond in the penal sum of \$2,000 conditioned upon the faithful and lawful performance of all work entered upon by him or her. The bond shall be for the benefit of persons injured or suffering financial loss by reason of failure of performance. The term of the bond shall be concurrent with the term of the license. Provided, however, no bond shall be required of a person having a license from the Minnesota State Board of Health and a bond running to the State of Minnesota. ('83 Code, SEC. 6.52, Subd. 3)

### **SEC. 116.03 INSURANCE REQUIRED.**

Before a license shall be granted to any person as a plumber, he or she shall have filed with the Clerk-Treasurer a policy or certificate of public liability insurance, including products liability insurance, for coverage concurrent with the license term with limits of \$100,000 for injury to one person, \$300,000 for each occurrence, and \$25,000 for property damage. ('83 Code, SEC. 6.52, Subd. 4) (Ord. 8, 2nd Series, effective 5-15-84)

## ***GAS FITTERS***

### **SEC. 116.15 LICENSE REQUIRED.**

It is unlawful for any person to install, alter, service or repair gas piping, appliances or appurtenances, without a license therefor from the city. ('83 Code, SEC. 6.53, Subd. 1) Penalty, see SEC.110.99

### **SEC. 116.16 INSURANCE REQUIRED.**

Before a license shall be granted to any person as a gas fitter, he or she shall have filed with the Clerk-Treasurer a policy or certificate of public liability insurance, including products liability insurance, for coverage concurrent with the license term with limits of \$100,000 for injury to one person, \$300,000 for each occurrence, and \$25,000 for property damage. ('83

Code, SEC.6.53, Subd 2)

## ***CEMENT CONTRACTORS***

### **SEC. 116.30 DEFINITION.**

For the purpose of this subchapter the following definition shall apply, unless the context clearly indicates or requires a different meaning.

***CEMENT CONTRACTOR.*** Any person who constructs, reconstructs or repairs concrete sidewalks, curbs or gutters upon the public streets of the city.  
(‘83 Code, SEC. 6.58, Subd. 1)

### **SEC. 116.31 LICENSE REQUIRED.**

It is unlawful for any cement contractor to engage in the business without a license therefor from the city.

(‘83 Code, SEC. 6.58, Subd. 2) Penalty, see SEC. 110.99

### **SEC. 116.32 BOND AND INSURANCE.**

(A) No license shall be issued until the applicant has filed with the city a bond in the penal sum of \$1,000 on which the city is obligee, conditioned on the use of quality materials for all work, and performance of the work in a good and workmanlike manner. (Ord. 8, 2nd Series, effective 5-15-84)

(B) No license shall issue 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 \$100,000 for injury to one person, \$300,000 for each occurrence, and \$25,000 property damage.

(‘83 Code, SEC. 6.58, Subd. 3)

**CHAPTER 117: PEDDLERS AND SOLICITORS**

## Section

- 117.01 Definitions
- 117.02 Exceptions to definitions
- 117.03 Licensing; exemptions
- 117.04 License ineligibility
- 117.05 License suspension and revocation
- 117.06 License transferability
- 117.07 Registration
- 117.08 Prohibited activities
- 117.09 Exclusion by placard

## SECTION 117.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PEDDLER.** A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place, for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise or other personal property that the person is carrying or otherwise transporting. The term peddler shall mean the same as the term hawker.

**PERSON.** Any natural individual, group, organization, corporation, partnership or association. As applied to groups, organizations, corporations, partnerships and associations, the term shall include each member, officer, partner, associate, agent or employee.

**REGULAR BUSINESS DAY.** Any day during which the city hall is normally open for the purpose of conducting public business. Holidays defined by state law shall not be counted as regular business days.

**SOLICITOR.** A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. The term shall mean the same as the term "canvasser."

**TRANSIENT MERCHANT.** A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering, goods, wares, products, merchandise or other personal property and who does not remain or intend to remain in any one location for more than 14 consecutive days.

## SEC. 117.02 EXCEPTIONS TO DEFINITIONS.

(A) For the purpose of the requirements of this chapter, the terms **PEDDLER**, **SOLICITOR**, and **TRANSIENT MERCHANT** shall not apply to any person selling or attempting to sell at wholesale any goods, wares, products, merchandise or other personal property to a retailer of the items being sold by the wholesaler. The terms also shall not apply to any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products such as baked goods and milk, nor shall they apply to any person making deliveries of perishable food and dairy products to the customers on his or her established regular delivery route.

(B) In addition, persons conducting the type of sales commonly known as garage sales, rummage sales, or estate sales, as well as those persons participating in an organized multi-person bazaar or flea market, shall be exempt from the definitions of **PEDDLERS**, **SOLICITORS**, and **TRANSIENT MERCHANTS**, as shall be anyone conducting an auction as a properly licensed auctioneer, or any officer of the court conducting a court-ordered sale.

Exemption from the definitions for the scope of this chapter shall not excuse any person from complying with any other applicable statutory provision or local ordinance.

### **SEC. 117.03 LICENSING; EXEMPTIONS.**

(A) *County license required.* No person shall conduct business as a peddler, solicitor or transient merchant within the city limits without first having obtained the appropriate license from the county as required by M.S. Chapter 329 as it may be amended from time to time.

(B) *City license required.* Except as otherwise provided for by this chapter, no person shall conduct business as either a peddler or a transient merchant without first having obtained a license from the city. Solicitors need not be licensed, but are still required to register pursuant to SEC. 117.07.

(C) *Application.* Application for a city license to conduct business as a peddler or transient merchant shall be made at least 14 regular business days before the applicant desires to begin conducting business. Application for a license shall be made on a form approved by the City Council and available from the office of the Clerk-Treasurer. All applications shall be signed by the applicant. All applications shall include the following information:

- (1) Applicant's full legal name.
- (2) All other names under which the applicant conducts business or to which applicant officially answers.
- (3) A physical description of the applicant (hair color, eye color, height, weight, distinguishing marks and features, and the like).
- (4) Full address of applicant's permanent residence.
- (5) Telephone number of applicant's permanent residence.
- (6) Full legal name of any and all business operations owned, managed or operated by applicant, or for which the applicant is an employee or agent.
- (7) Full address of applicant's regular place of business (if any).
- (8) Any and all business related telephone numbers of the applicant.
- (9) The type of business for which the applicant is applying for a license.
- (10) Whether the applicant is applying for an annual or daily license.
- (11) The dates during which the applicant intends to conduct business, and if the applicant is applying for a daily license, the number of days he or she will be conducting business in the city (maximum 14 consecutive days).
- (12) Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up business.
- (13) A statement as to whether or not the applicant has been convicted within the last five years of any felony, gross misdemeanor, or misdemeanor for violation of any state or federal statute or any local ordinance, other than traffic offenses.
- (14) A list of the three most recent locations where the applicant has conducted business

as a peddler or transient merchant.

(15) Proof of any requested county license.

(16) Written permission of the property owner or the property owner's agent for any property to be used by a transient merchant.

(17) A general description of the items to be sold or services to be provided.

(18) All additional information deemed necessary by the City Council.

(19) The applicant's driver's license number or other acceptable form of identification.

(20) The license plate number, registration information and vehicle identification number for any vehicle to be used in conjunction with the licensed business and a description of the vehicle.

(D) *Fee.* The fee established by ordinance, as amended from time to time shall accompany all applications for a license under this chapter.

(E) *Procedure.* Upon receipt of the completed application and payment of the license fee, the Clerk-Treasurer, within two regular business days, must determine if the application is complete. An application is determined to be complete only if all required information is provided. If the Clerk-Treasurer determines that the application is incomplete, the Clerk-Treasurer must inform the applicant of the required necessary information that is missing. If the application is complete, the Clerk-Treasurer must order any investigation, including background checks, necessary to verify the information provided with the application. Within ten regular business days of receiving a complete application the Clerk-Treasurer must issue the license unless there exist grounds for denying the license under SEC. 117.04, in which case the Clerk-Treasurer must deny the license. If the Clerk-Treasurer denies the license, the applicant must be notified in writing of the decision, the reason for denial, and of the applicant's right to appeal the denial by requesting, within 20 days of receiving notice of rejection, a public hearing before the City Council. The City Council shall hear the appeal within 20 days of the date of the request. The decision of the City Council following the public hearing can be appealed by petitioning the Minnesota Court of Appeals for a Writ of Certiorari.

(F) *Duration.* An annual license granted under this chapter shall be valid for one calendar year from the date of issue. All other licenses granted under this chapter shall be valid only during the time period indicated on the license.

(G) *License exemptions.*

(1) No license shall be required for any person to sell or attempt to sell, or to take or attempt to take orders for, any product grown, produced, cultivated, or raised on any farm.

(2) No license shall be required of any person going from house-to-house, door-to-door, business-to-business, street-to-street, or other type of place-to-place when the activity is for the purpose of exercising that person's State or Federal Constitutional rights such as the freedom of speech, press, religion and the like, except that this exemption may be lost if the person's exercise of Constitutional rights is merely incidental to a commercial activity.

(3) Professional fundraisers working on behalf of an otherwise exempt person or group shall not be exempt from the licensing requirements of this chapter.  
Penalty, see SEC. 110.99

#### **SEC. 117.04 LICENSE INELIGIBILITY.**

The following shall be grounds for denying a license under this chapter:

(A) The failure of the applicant to obtain and show proof of having obtained any required county license.

(B) The failure of the applicant to truthfully provide any of the information requested by the city as a part of the application, or the failure to sign the application, or the failure to pay the required fee at the time of application.

(C) The conviction of the applicant within the past five years from the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects on the person's ability to conduct the business for which the license is being sought in an honest and legal manner. Those violations shall include but not be limited to burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.

(D) The revocation within the past five years of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor or transient merchant.

(E) The applicant is found to have a bad business reputation. Evidence of a bad business reputation shall include, but not be limited to, the existence of more than three complaints against the applicant with the Better Business Bureau, the Attorney General's Office, or other similar business or consumer rights office or agency, within the preceding 12 months, or three complaints filed against the applicant within the preceding five years.

#### **SEC. 117.05 LICENSE SUSPENSION AND REVOCATION.**

(A) *Generally.* Any license issued under this section may be suspended or revoked at the discretion of the City Council for violation of any of the following:

(1) Fraud, misrepresentation or incorrect statements on the application form.

(2) Fraud, misrepresentation or false statements made during the course of the licensed activity.

(3) Conviction of any offense for which granting of a license could have been denied under SEC.117.04.

(4) Violation of any provision of this chapter.

(B) *Multiple persons under one license.* The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person's authority to conduct business as a peddler or transient merchant on behalf of the licensee whose license is suspended or revoked.

(C) *Notice.* Prior to revoking or suspending any license issued under this chapter, the city shall provide the license holder with written notice of the alleged violations and inform the licensee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application.

(D) *Public hearing.* Upon receiving the notice provided in division (C) of this section, the licensee shall have the right to request a public hearing. If no request for a hearing is received by the Clerk-Treasurer within ten regular business days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of mailed notices, service shall be considered complete as of the date the notice is placed in the mail. If a public hearing is requested within the stated timeframe, a hearing shall be scheduled within 20 days from the date of the request. Within three regular business days of the hearing, the City Council shall notify the licensee of its decision.

(E) *Emergency.* If, in the discretion of the City Council, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant licensed under this chapter, the City Council may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in division (C) of this section.

(F) *Appeals.* Any person whose license is suspended or revoked under this section shall have the right to appeal that decision in court. Penalty, see SEC. 110.99

#### **SEC. 117.06 LICENSE TRANSFERABILITY.**

No license issued under this chapter shall be transferred to any person other than the person to whom the license was issued. Penalty, see SEC. 110.99

#### **SEC. 117.07 REGISTRATION.**

All solicitors, and any person exempt from the licensing requirements of this chapter under SEC. 117.03, shall be required to register with the city. Registration shall be made on the same form required for a license application, but no fee shall be required. Immediately upon completion of the registration form, the Clerk-Treasurer shall issue to the registrant a Certificate of registration as proof of the registration. Certificates of registration shall be non-transferable. Penalty, see SEC. 110.99

#### **SEC. 117.08 PROHIBITED ACTIVITIES.**

No peddler, solicitor or transient merchant shall conduct business in any of the following manners:

(A) Calling attention to his or her business or items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.

(B) Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way.

(C) Conducting business in a way as to create a threat to the health, safety and welfare of any individual or the general public.

(D) Conducting business before 7:00 a.m. or after 9:00 p.m.

(E) Failing to provide proof of license or registration, and identification, when requested; or using the license or registration of another person.

(F) Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement. No peddler, solicitor or transient merchant shall claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration to that person.

(G) Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating or abusive.

Penalty, see SEC. 110.99

#### **SEC. 117.09 EXCLUSION BY PLACARD.**

No peddler, solicitor or transient merchant, unless invited to do so by the property owner or tenant, shall enter the property of another for the purpose of conducting business as a peddler, solicitor or transient merchant when the property is marked with a sign or placard at least four inches long and four inches wide with print of at least 48 point in size stating "No Peddlers, Solicitors or Transient Merchants," or "Peddlers, Solicitors, and Transient Merchants Prohibited," or other comparable statement. No person other than the property owner or tenant shall remove, deface or otherwise tamper with any sign or placard under this section.

Penalty, see SEC. 110.99

**CHAPTER 118: TAXICABS**

## Section

- 118.01Definitions
- 118.02License required
- 118.03License issuance and display
- 118.04Insurance required
- 118.05Schedule of rates
- 118.06Mechanical condition

**SECTION 118.01 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

***DRIVER.*** The person driving and having physical control over a taxicab whether he or she is the licensee or in the employ of the licensed operator.

***OPERATOR.*** A licensee owning or otherwise having control of one or more taxicabs.

***TAXICAB.*** Any passenger conveyance being driven, on call or traversing a scheduled or unscheduled route for public use or hire upon payment of a fare or at regular fare rates, but not including such as are designed for mass transportation as buses, trains or streetcars. ('83 Code, SEC. 6.50, Subd. 1)

**SEC. 118.02 LICENSE REQUIRED.**

It is unlawful for any person to drive or operate a taxicab without a license therefor from the city. ('83 Code, SEC. 6.50, Subd. 2) Penalty, see SEC. 110.99

**SEC. 118.03 LICENSE ISSUANCE AND DISPLAY.**

All licenses shall be issued for specific conveyances, except as otherwise herein provided. License tags, including number and year for which issued, shall be plainly visible from the front of the conveyance. Both sides of every licensed taxicab, when in use, shall be plainly and permanently marked as such with a painted sign or appurtenances showing the full or abbreviated name of the licensed operator. ('83 Code, SEC. 6.50, Subd. 3) Penalty, see SEC. 110.99

**SEC. 118.04 INSURANCE REQUIRED.**

Before a taxicab license is issued by the Council, and at all times effective during the licensed period, the licensee shall have and maintain public liability and bodily injury insurance in the amount of \$50,000 for any one person and \$100,000 for two or more persons injured in any one accident, as well as \$10,000 property damage insurance. ('83 Code, SEC. 6.50, Subd. 4) Penalty, see SEC. 110.99

**SEC. 118.05 SCHEDULE OF RATES.**

Each applicant shall file with the Clerk-Treasurer, before a taxicab license is issued or renewed, a schedule of proposed maximum rates to be charged by him or her during the licensed period for which the application is made. The schedule of proposed maximum rates, or a compromise schedule thereof, shall be approved by the Council before granting the license. The schedule shall be posted in a conspicuous place in the taxicab in full view of passengers riding therein. Nothing herein shall prevent a taxicab licensee from petitioning the Council for review of the rates during the licensed period, and the Council may likewise consider the petition and make new rates effective at any time. No taxicab licensee shall charge rates in excess of maximum rates approved by the Council.

(‘83 Code, SEC. 6.50, Subd. 5) Penalty, see SEC. 110.99

**SEC. 118.06 MECHANICAL CONDITIONS.**

Before issuing a taxicab license, the applicant shall present to the Council a certificate signed by a competent and experienced mechanic showing that the taxicab conveyance is in good mechanical condition, that it is thoroughly safe for transportation of passengers and that it is in neat and clean condition. The similar certificate may be required from time to time during the licensed period. In lieu of the certificate the Council may accept the report of the Chief of Police relative thereto.

(‘83 Code, SEC. 6.50, Subd. 6)

**CHAPTER 119: TOBACCO SALES**

## Section

- 119.01 Purpose
- 119.02 Definitions
- 119.03 License required
- 119.04 Prohibited sales methods
- 119.05 Compliance checks and inspections
- 119.06 Illegal acts
- 119.07 Exceptions and defenses
- 119.08 Violations
  
- 119.99 Penalty

## **SECTION 119.01 PURPOSE.**

Because the city recognizes that many persons under the age of 18 years purchase or otherwise obtain, possess and use tobacco and tobacco-related devices, and the sales, possession and use are violations of both state and federal laws; and because studies have shown that most smokers begin smoking before they have reached the age of 18 years and that those persons who reached the age of 18 years without having started smoking are significantly less likely to begin smoking; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this chapter is intended to regulate the sale, possession and use of tobacco and tobacco-related devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious affects associated with the illegal use of tobacco 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 M.S. § 144.391, as it may be amended from time to time. (Ord. 131, 2nd Series, passed 6-9-98)

## **SEC. 119.02 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

**COMPLIANCE CHECKS.** The system the city uses under this chapter. **COMPLIANCE CHECKS** shall involve the use of minors as authorized by this chapter. **COMPLIANCE CHECKS** shall also mean the use of minors who attempt to purchase tobacco 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 and tobacco-related devices.

**MINOR.** Any natural person who has not yet reached the age of 18 years.

**MOVABLE PLACE OF BUSINESS.** 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.

**SELF-SERVICE.** The open display of tobacco or tobacco-related devices in any manner where any person has access to the tobacco or tobacco-related devices without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention entails the actual physical exchange of the tobacco or tobacco related device between the customer and the licensee or employee. Self-service does not include vending machines.

**TOBACCO.** Any substance or item containing tobacco leaf, including, but not limited to, cigarettes; cigars; pipe tobacco; snuff; fine cut or other chewing tobaccos; 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 the manner as to be suitable for chewing, sniffing or smoking.

**TOBACCO-RELATED DEVICES.** Any tobacco 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.

***VENDING MACHINE.*** Any mechanical, electric or electronic, or other type of device which dispenses tobacco 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 or tobacco-related device. (Ord. 131, 2nd Series, passed 6-9-98)

### **SEC. 119.03 LICENSE REQUIRED.**

It is unlawful for any person, directly or indirectly, to keep for retail sale, sell at retail or offer to sell at retail any tobacco or tobacco-related device unless a license to do so is first obtained from the city. Separate licenses shall be issued for the sale of tobacco or tobacco-related devices at each fixed place of business and no license shall be issued for a movable place of business.

(Ord. 131, 2nd Series, passed 6-9-98) Penalty, see SEC. 119.99

### **SEC. 119.04 PROHIBITED SALES METHODS.**

It is unlawful for a licensee to sell or distribute tobacco or tobacco-related devices by vending machine unless minors are at all times prohibited from entering the licensed establishment. It is unlawful for a licensee to sell or distribute tobacco or tobacco related devices by self-service unless the licensed establishment generates 90% or more of its revenues from the sale of tobacco and minors are at all times prohibited from entering the licensed establishment. It is unlawful for any person to permit or assist with the unlawful sale or distribution of tobacco or tobacco related devices by vending machine or self-service upon property the person owns or controls. (Ord. 131, 2nd Series, passed 6-9-98) Penalty, see SEC. 119.99

### **SEC. 119.05 COMPLIANCE CHECKS AND INSPECTIONS.**

All licensed premises shall be open to inspection by local law enforcement or other authorized city officials during regular business hours. From time to time, but at least twice per year, the city shall conduct compliance checks by engaging, with written consent of their parents or guardians, minors over the age of 15 years but less than 18 years, to enter the licensed premises to attempt to purchase tobacco or tobacco-related devices. Minors used for the purpose of compliance checks shall be supervised by designated law enforcement officers or other designated city personnel. Minors used for compliance checks shall not be guilty of the unlawful purchase or attempted purchase, nor the unlawful possession of tobacco or tobacco-related devices when the items are obtained or attempted to be obtained as a 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 chapter 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. (Ord. 131, 2nd Series, passed 6-9-98)

**SEC. 119.06 ILLEGAL ACTS.**

Unless otherwise provided, the following acts are a violation of this chapter.

(A) *Illegal sales.* It is unlawful for any person to sell or otherwise provide any tobacco or tobacco-related device to a minor.

(B) *Illegal possession.* It is unlawful for any minor to have in his or her possession any tobacco or tobacco-related device. This division shall not apply to minors lawfully involved in a compliance check.

(C) *Illegal use.* It is unlawful for any minor to smoke, chew, sniff or otherwise use any tobacco or tobacco-related device.

(D) *Illegal procurement.* It is unlawful for any minor to purchase or attempt to purchase or otherwise obtain any tobacco or tobacco-related device and it is unlawful for any person to purchase or otherwise obtain the items on behalf of a minor. It is further unlawful for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco or tobacco-related device. This division shall not apply to minors lawfully involved in a compliance check.

(E) *Use of false identification.* It is unlawful for any minor to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

(Ord. 131, 2nd Series, passed 6-9-98) Penalty, see SEC. 119.99

**SEC. 119.07 EXCEPTIONS AND DEFENSES.**

Nothing in this chapter shall prevent the providing of tobacco or tobacco-related devices to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this chapter for a person to have reasonably relied on proof of age as described by state law. (Ord. 131, 2nd Series, passed 6-9-98)

**SEC. 119.08 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 chapter 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 City Administrator shall appoint the hearing officer.

(D) *Decision.* If the hearing officer determines that a violation of this chapter did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed, 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, the findings shall be recorded and a copy provided to the acquitted, accused violator.

(E) *Appeals*. Appeals of any decision made by the hearing officer under this chapter shall be filed in the District Court for the County of Polk.

(F) *Enforcement alternatives*. Nothing in this chapter 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 penalties shall be imposed on the defendant in the prosecution. Nothing in this chapter shall prohibit the city from seeking criminal prosecution or imposing administrative penalties on both the licensee's employee and the licensee.

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

(Ord. 131, 2nd Series, passed 6-9-98)

**SEC. 119.99 PENALTY.**

(A) *Licensees*. Any licensee found to have violated this chapter, or whose employees shall have violated this chapter, shall be charged an administrative fine of at least \$75 for a first violation of this chapter; at least \$200 for a second offense at the same licensed premises within a 24-month period; and at least \$250 for a third or subsequent offense at the same location within a 24-month period. In addition, after the third offense, the license shall be suspended for not less than seven days.

(B) *Other individuals*. Other individuals, other than minors regulated by division (C) of this section, found to be in violation of this chapter, shall be charged an administrative fee of at least \$50.

(C) *Minors*. Minors found in unlawful possession of, or who unlawfully purchase or attempt to purchase tobacco or tobacco-related devices, shall be subject to a penalty or penalties as determined by the appropriate court having jurisdiction over the violations occurring within the city. The city shall consult with interested educators, parents, children and representatives of the court system to develop alternate penalties for minors who purchase, possess and consume tobacco. The city and the interested persons shall consider a variety of options, including, but not limited to, tobacco free education programs, notice to schools, parents, community service and other court diversion programs.

(Ord. 131, 2nd Series, passed 6-9-98)

**CHAPTER 120: DISPLAY, SALE, STORAGE, POSSESSION AND USE OF  
FIREWORKS**

Section

- 120.01 Purpose
- 120.02 Definition
- 120.03 Possession and Sale of Fireworks
- 120.04 License Provisions
- 120.05 License Application
- 120.06 Conditions of License
- 120.07 License Bond
- 120.08 License Fee
- 120.09 License Denial, Suspension and Revocation
- 120.10 Permit Provisions
- 120.11 Permit Application
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- 120.13 Permit Bond
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- 120.15 Permit Denial, Suspension and Revocation
- 120.16 A Violation of this Section is a Misdemeanor

***Cross-Reference:***

*Chapter 130: General Offenses, see Section 130.01*

***References:***

City of Crookston 1986 Code, Chapter 10, Section 10.10: Dangerous Weapons and Articles

Minnesota State Statutes 624 Subsections 624.20 through 624.25

Consumer Product Safety Commission Standards 16 CFR 1500 and 16 CFR 1507

Department of Transportation Requirement 49 CFR 170-173

Bureau of Alcohol Tobacco and Firearms Requirement 27 CFR 55

### **SECTION 120.01 PURPOSE.**

Due to the inherent risks of fire and injury to persons and property associated with the display, sale, possession and use of fireworks, the City Council has determined that it is necessary and in the interest of public health, safety and welfare to establish reasonable regulations concerning fireworks.

### **SEC. 120.02 DEFINITION.**

For purposes of this ordinance, "consumer fireworks" are defined as: Wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are non-explosive and non-aerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes, snakes, and glow works, smoke devices, or trick noisemakers which include paper streamers, paper poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.

### **SEC. 120.03 POSSESSION AND SALE OF FIREWORKS.**

(A) Fireworks are regulated by Minnesota Statutes 624.20 through 624.25 inclusive, which are adopted herein by reference. In addition to these state laws, all display, sales, storage, and use of fireworks shall comply with this Section.

(B) No Person shall do any of the following without obtaining a City license:

(1) A license must be applied for and approved prior to storing or selling any fireworks.

(2) A permit must be applied for and approved 15 days prior to making a public display of fireworks.

### **SEC. 120.04 LICENSE PROVISIONS.**

**Sale and/or Storage of Fireworks:** It is unlawful for any person to sell, offer for sale, expose for sale, sell at retail or wholesale or store any consumer fireworks in the City of Crookston without a City license.

### **SEC. 120.05 LICENSE APPLICATION.**

(A) The application for a license to store or sell fireworks shall be made to the City Clerk's office. The applicant shall completely fill out and submit an application for a consumer fireworks license prepared by the City of Crookston Clerk in conjunction with the Crookston Fire Department.

(B) Information to be submitted as part of the license application includes, but is not necessarily limited to the following information:

(1) Name, address and telephone number of the applicant.

(2) Address of location where the fireworks will be sold.

(3) A list of fireworks that will be sold. The list must include the name, weight and quantity of fireworks, Tier II Material Safety Data Sheets.

(4) Quantity of the fireworks that will be stored on the premises.

(5) A floor plan designating the area where the fireworks will be sold and/or stored.

(6) A letter of approval from the property owner, if different from the applicant.

(C) Prior to the issuance of a license, the premises must be inspected and approved by the Crookston Fire Department.

#### **SEC. 120.06 CONDITIONS OF LICENSE.**

A license to sell consumer fireworks shall be issued subject to the following conditions:

(A) The license is non-transferable, either to a different person or location.

(B) The license must be publicly displayed on the licensed premises.

(C) The premises are subject to inspection by the Crookston Fire Department during normal business hours.

(D) The premises for which a license will be issued must be located in a zoning district permitting retail sales.

(E) Storage of consumer fireworks on the premises must be in compliance with the International Fire Code.

(F) The storage and/or retail sales of fireworks in a non-permanent structure shall be conducted in compliance with NFPA 1124.

(G) For transient sales of fireworks a license must be obtained according to Chapter 120.05 of the City Code.

(H) The licensee shall keep two (2) 2 ½ gallon water type portable fire extinguishers within 15 feet of the storage and display areas.

(I) A list of all fireworks displayed for sale and stored on the property must be posted in a conspicuous location near the display/storage area. The list shall include the name, weight and quantity of fireworks and be accompanied by the Tire II Material Safety Data Sheets.

(J) No smoking shall be conducted within 50 feet of the consumer fireworks retail area.

(K) The Licensee shall prominently post "No Smoking" signs.

(L) The discharge of fireworks shall be prohibited within (100) feet of any location in which fireworks are being sold or stored.

(M) In buildings without an approved automatic sprinkler system, fireworks sales displays and/or storage shall be limited to fifty (50) lbs. net pyrotechnic composition or (200) lbs. gross weight, if the pyrotechnic composition weight is not known. In buildings with approved automatic sprinkler systems the quantity limits can be doubled.

#### **SEC. 120.07 LICENSE BOND.**

Applicant shall file with the application a certificate of insurance, showing liability insurance coverage in the amount of \$1,000,000 per occurrence to cover Licensee's intentional and negligent acts relative to the sale, possession or use of fireworks. Such insurance certificate shall indicate that the City of Crookston shall receive notice at least thirty days prior to cancellation or termination of the coverage.

**SEC. 120.08 LICENSE FEE.**

The annual license fee for the sale of fireworks shall be set by resolution by the City Council. See Fee Schedule.

**SEC. 120.09 LICENSE DENIAL, SUSPENSION AND REVOCATION.**

A consumer fireworks license may be denied, suspended or revoked by the City Council if a provision of the Chapter is violated.

**SEC. 120.10 PERMIT PROVISIONS.**

No Person shall do any of the following without obtaining a city permit:

(A) Public display of fireworks/pyrotechnic special effects; It is unlawful for any person to conduct a public pyrotechnic display in the City of Crookston without a city permit.

**SEC. 120.11 PERMIT APPLICATION.**

(A) The application for a permit to conduct a public pyrotechnic display in the City of Crookston shall be made to the City Clerk's office. The applicant shall completely fill out and submit an application to conduct a public pyrotechnic display prepared by the City of Crookston Clerk in conjunction with the Crookston Fire Department.

(B) Information to be submitted as part of the permit application includes, but is not necessarily limited to the following information:

(1) Name of applicant (Sponsoring Organization), address and telephone number of the applicant.

(2) Name of authorized agent of applicant.

(3) Name of supervising agent. (MN state certified pyrotechnic operator)

(4) Date, time and location of display. (indoor display requires State Fire Marshall approval)

(5) Manner and place of storage of fireworks/pyrotechnic special affects prior to use.

(6) Type and number of fireworks/pyrotechnic special affects to be discharged. The list must include number and size.

(7) Names and birthdates of all assistants that will be participating in display.

(8) Proof of a bond or insurance in the amount of at least

(9) A diagram of the ground, or facilities at which the display will be held.

(10) A letter of approval from the property owner, if different from the applicant.

(C) Prior to the issuance of a permit, the area of display must be inspected and approved by the Crookston Fire Department.

#### **SEC. 120.12 CONDITIONS OF PERMIT.**

A permit to display fireworks/pyrotechnic special affects shall be issued subject to the following conditions:

(A) The permit is non-transferable, either to a different person or location.

(B) The permit must be completed and returned at least 15 days prior to date of display.

(C) All requests for changes (adding fireworks, etc.) must be approved in advance. All requests for changes must be submitted to the fire chief at least 24 hours prior to the display.

(D) All displays are conducted in accordance with applicable laws, codes, regulations, and guidelines relating to fireworks.

(E) Ensure local fire chief has been contacted about standby fire apparatus and personnel.

(F) Provide monitors around discharge site.

(G) Provisions for crowd control.

(H) A sufficient number of trained assistants are on hand.

(I) Proper protective gear is worn by all personnel involved with the display.

(J) Sufficient portable fire extinguishers must be present at the display site.

(K) A written report of all injuries, fires, or unsafe products observed must be reported to the local fire chief and State Fire Marshall within 10 days of the display.

(L) Smoking and open flames are prohibited within 50 feet of the aerial shell storage area. NO SMOKING OR OPEN FLAME signs must be conspicuously posted in the area.

(M) Operators and attendants must use only flashlights or electric lighting for artificial illumination.

(N) Fireworks must not be left unattended or allowed to become wet at the display site.

(O) If the local fire chief or pyrotechnic operator determines that there is a lack of crowd control or that the crowd is in danger, the display must be immediately discontinued. If at any time winds or wet weather create a danger the display must be postponed until conditions are acceptable to the fire chief.

(P) The entire firing range must be inspected immediately following a display and prior to allowing public access for the purpose of locating unexploded aerial shells.

#### **SEC. 120.13 PERMIT BOND.**

Applicant shall file with the application a certificate of insurance, showing liability insurance coverage in the amount of \$1,000,000 per occurrence to cover Licensee's intentional and negligent acts relative to the sale, possession or use of fireworks. Such insurance certificate

shall indicate that the City of Crookston shall receive notice at least thirty days prior to cancellation or termination of the coverage.

**SEC. 120.14 PERMIT FEE.**

The permit fee for the public display of fireworks shall be set by resolution by the City Council. See Fee Schedule.

**SEC. 120.15 PERMIT DENIAL, SUSPENSION AND REVOCATION.**

(A) A consumer fireworks license may be denied, suspended or revoked by the City Council if a provision of the Chapter is violated.

(B) It shall be unlawful to do any of the following:

(1) Consumer fireworks shall not be used within one hundred (100) feet of any building in which fireworks are sold or stored.

(2) Consumer fireworks shall not be sold or distributed to persons under the age of eighteen (18) years, any person who is obviously intoxicated, chemically impaired or incompetent, or any person who fails to present proper age identification.

(3) Consumer fireworks shall not be used indoors.

(4) Consumer fireworks shall not be used on public property. Fireworks shall not be discharged along a parade route prior to, during or after any parade, or at any place of public assembly, park, or government property except such discharge of fireworks may be permitted in connection with an officially sanctioned public celebration.

(5) Consumer fireworks shall not be thrown or tossed at any person, animal, vehicle, or other thing or object.

(6) The Fire Chief may ban fireworks for any period of time for any public safety reason.

**SEC. 120.16 A VIOLATION OF THIS SECTION IS A MISDEMEANOR.**

Fireworks that are kept possessed or stored in violation of state statutes or of this section may be confiscated and destroyed. The costs associated with disposal shall be paid by the violator and/or be assessed back to the property on which the fireworks are being stored, displayed or sold.