

Chapter 10 LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

**Chapter 10 LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS**

ARTICLE I. - IN GENERAL

ARTICLE II. - LICENSE AND PERMITS

ARTICLE III. - AMUSEMENTS

ARTICLE IV. - TOBACCO DEALERS

**ARTICLE I. IN GENERAL**

[Secs. 10-1—10-18. Reserved.](#)

**Secs. 10-1—10-18. Reserved.**

**ARTICLE II. LICENSE AND PERMITS**

[Sec. 10-19. Policy and purpose.](#)

[Sec. 10-20. Application of chapter.](#)

[Sec. 10-21. Licensing and permit procedures.](#)

[Sec. 10-22. Bond and insurance.](#)

[Sec. 10-23. Approval of licenses.](#)

[Sec. 10-24. Duration of license.](#)

[Sec. 10-25. Transfers.](#)

[Sec. 10-26. Inspection.](#)

[Sec. 10-27. Renewal.](#)

[Sec. 10-28. Revocation; suspension; denial.](#)

[Sec. 10-29. Duties of licensee.](#)

[Sec. 10-30. Fees.](#)

[Sec. 10-31. Late fees.](#)

[Sec. 10-32. Fees set.](#)

[Sec. 10-33. Development-related fees and charges.](#)

[Sec. 10-34. Procedure.](#)

[Sec. 10-35. Payment of fees.](#)

[Sec. 10-36. Permit fees.](#)

[Secs. 10-37—10-60. Reserved.](#)

PART I - CODE OF ORDINANCES

Chapter 10 LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

**Sec. 10-19. Policy and purpose.**

By the enactment of this chapter, the council intends to establish to the maximum degree possible a uniform system for the issuance, revocation, suspension and renewal of licenses and permits for all activities for which licenses and permits are required by this Code. The council also intends that fees for licenses and permits required by this Code shall be those set by this article.

(Code 1984, § 1000.01)

**Sec. 10-20. Application of chapter.**

- (a) *General.* Where a provision of this Code requiring a license or a permit contains no procedure for issuance, revocation, suspension, renewal or fee, the provisions of this article apply.
- (b) *Other provisions.* Where a provision of this Code requiring a license or a permit contains procedures for its issuance, revocation, suspension, renewal or the procedure for a pro rata payment of a fee, such provisions prevail over this chapter.
- (c) *Conflicts.* Where a direct conflict exists between the amount of a license or permit fee set by any provision of this code and a fee set by this article, the fee set by this article applies.

(Code 1984, § 1000.03)

**Sec. 10-21. Licensing and permit procedures.**

- (a) *General rule.* Except as otherwise provided in this Code, all licenses and permits granted by the city shall be governed by the provisions of this section.
- (b) *Licenses required.* It is unlawful for any person to engage in any trade, profession, business or privilege in the city for which a license is required by any provision of this Code without first obtaining a license from the city in the manner provided in this section.
- (c) *Application.* Every application for a license shall be made to the city administrator/clerk or designee on a form provided by the city administrator/clerk or designee. It shall be accompanied by payment to the city administrator/clerk of the prescribed fee. If, after investigation, the city administrator/clerk or designee is satisfied that all requirements of the law and this Code have been met, the application shall be presented to the council for action or, if the license or permit does not require council approval, he shall issue the license.

(Code 1984, § 1005.01)

**Sec. 10-22. Bond and insurance.**

- (a) *Form; approval; filing.* Required bonds shall be in a form satisfactory to the city attorney, be executed by two sureties, or a surety company, and be subject to the approval of the city administrator/clerk or designee. Where policies of insurance are required, the policies shall be approved as to substance and form by the city attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the city administrator/clerk or designee before the license is issued.

PART I - CODE OF ORDINANCES

Chapter 10 LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

- (b) *Bond.* Where a bond is required for any license or permit, the bond shall be a corporate surety bond executed on a bond form approved by the city attorney and shall be filed with the city administrator/clerk or designee before the license or permit is issued. Except where otherwise provided, a bond shall be in the amount of \$1,000.00, conditioned that the licensee or permittee shall comply with the applicable ordinance and laws pertaining to the licensed or permitted activity and that the licensee or permittee will indemnify the city and save it harmless from all loss or damage by reason of inadequate work performed by him or by reason of accident caused by the negligence of the licensee or permittee, his agents or employees.
- (c) *Insurance.*
- (1) When a licensee or permittee is required to have in force a policy of insurance, the policy shall be approved as to substance and form by the city attorney. The policy shall provide that it is noncancellable without 15 days' notice to the city, and the coverage shall be for the term of the license or permit. Satisfactory evidence of coverage by insurance shall be filed with the city administrator/clerk or designee before the license or permit is issued. Each license or permit shall terminate upon termination of the required insurance coverage.
  - (2) Unless otherwise provided, a required policy of liability insurance shall provide for protection in at least the following amounts:
    - a. For injuries including death therefrom sustained by any one person: \$100,000.00.
    - b. For injuries including death resulting therefrom sustained by two or more persons as the result of any one occurrence: \$300,000.00.
    - c. For property damage: \$100,000.00.

(Code 1984, § 1005.07)

**Sec. 10-23. Approval of licenses.**

Where the approval of any city or state officer or the council is required prior to the issuance of a license, the approval must be presented to the city administrator/clerk or designee before the license is issued. No license may be approved by any city officer or issued by the city administrator/clerk or designee if it appears that the conduct of the activity for which a license is sought will be contrary to the health, safety or welfare of the public or any regulation, law or ordinance applicable to such activity. No license shall be issued if any real estate or personal property taxes on any property to be used in connection with any such license have become delinquent, until such taxes with interest and penalties have been paid. Unless otherwise provided, every license shall be approved by the council.

(Code 1984, § 1005.09)

**Sec. 10-24. Duration of license.**

Unless otherwise specified, a license shall be valid for a calendar year or the part of the year for which it is issued and shall expire on December 31.

(Code 1984, § 1005.11)

PART I - CODE OF ORDINANCES

Chapter 10 LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

**Sec. 10-25. Transfers.**

No license issued under this code may be transferred to any other person. Where a license relates to specific premises, the license shall not be changed to another location without approval of the council or other licensing authority.

(Code 1984, § 1005.13)

**Sec. 10-26. Inspection.**

- (a) *Authorized personnel.* Any city official or employee having a duty to perform with reference to a license under this Code and any police officer may inspect and examine any licensee, business, or premises to enforce compliance with applicable provisions of this Code. Subject to the provisions of subsection (b) of this section, authorized personnel may, at any reasonable time enter any licensed premises, or premises for which a license is required, in order to enforce compliance with this Code.
- (b) *Search warrants.* If the licensee objects to the inspection of this premises, the city official or employee charged with the duty of enforcing the provisions of this Code shall procure a valid search warrant before conducting the inspection.

(Code 1984, § 1005.15)

**Sec. 10-27. Renewal.**

License renewals are issued in the same manner and subject to the same conditions as original licenses.

(Code 1984, § 1005.17)

**Sec. 10-28. Revocation; suspension; denial.**

- (a) *Grounds.* A license issued or to be issued by the city may be denied, suspended, or revoked by the council for any of the following causes:
  - (1) Fraud, misrepresentation, or incorrect statement contained in the application for license, or made in carrying on the licensed activity.
  - (2) Conviction of any crime, or misdemeanor, pertaining to license held or applied for, subject to the provisions of Minn. Stats. ch. 364.
  - (3) Conducting such licensed activity in such manner as to constitute a breach of the peace, or a menace to the health, safety and welfare of the public, or a disturbance of the peace or comfort of the residents of the city, upon recommendation of the city health authority or other appropriate city official.
  - (4) Expiration or cancellation of any required bond or insurance, or failure to notify the city within a reasonable time of changes in the terms of the insurance or the carriers.
  - (5) Actions unauthorized or beyond the scope of the license granted.
  - (6) Violation of any regulation or provision of this Code applicable to the activity for which the license has been granted, or any regulation or law of the state so applicable.

PART I - CODE OF ORDINANCES

Chapter 10 LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

- (7) Failure to continuously comply with all conditions required as precedent to the approval of the license.
- (b) *Hearing.* Except where mandatory revocation is provided by law without notice and hearing, and except where suspension may be made without a hearing, the holder of the license or permit shall be granted a hearing upon at least ten days' notice before revocation or suspension is ordered. The notice shall state the time and place of the hearing and the nature of the charges against the licensee.
- (c) *Temporary suspension.* The council may temporarily suspend a license pending a hearing on revocation or suspension when in its judgment the public health, safety and welfare is endangered by the continuance of the licensed activity.

(Code 1984, § 1005.19)

**Sec. 10-29. Duties of licensee.**

- (a) *Compliance required.* Every licensee and permittee shall have the duties set forth in this section.
- (b) *Inspection.* At reasonable times the licensee shall permit inspections of his business and examination of his books and records by authorized officers or employees.
- (c) *Compliance with law.* The licensee shall comply with laws, ordinances, and regulations applicable to the licensed business, activity, or property.
- (d) *Display of license.* The licensee shall display the license or other insignia given him as evidence of the license in a conspicuous place on the premises, vehicle, or device to which the license relates. If the license is not so related, the license shall be carried on the licensee's person whenever he is carrying on the licensed activity.
- (e) *Unlawful disposition.* The licensee shall not lend or give to any other person his license or license insignia.

(Code 1984, § 1005.21)

**Sec. 10-30. Fees.**

- (a) *Fees established.* License fees are in the amounts established in the fee schedule, unless otherwise provided in this Code.
- (b) *Prorated fees.* License fees shall not be prorated, unless otherwise specified by this Code or by law.
- (c) *Refunds.* License fees shall not be refunded in whole or in part, unless otherwise specified by this Code or by law.

(Code 1984, § 1010.01)

**Sec. 10-31. Late fees.**

- (a) *Activity begun without license.* When an activity licensed under this Code is begun without a license, the fee shall be twice the fee required.
- (b) *Renewal penalty.* A licensee who fails to pay a license renewal fee by January 1 shall pay a late application fee in the amount fixed in the fee schedule. This subdivision does not apply to licenses issued for work performed in or on city streets or sidewalks.

PART I - CODE OF ORDINANCES

Chapter 10 LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

- (c) *No bar to prosecution.* The payment of the late fees and penalty fees established in this subsection does not prevent prosecution by the city for operating or conducting any licensed activity without a license.

(Code 1984, § 1010.03)

**Sec. 10-32. Fees set.**

The fees and charges for the various licenses and fees required by this Code are to be annually reviewed and adopted by the city council as soon as practicable after the start of each calendar year; or as necessary. Such fee schedule shall be made available to the public at the city hall upon request.

(Code 1984, § 1010.05; Ord. No. 2006-100, 2-16-2006)

**Sec. 10-33. Development-related fees and charges.**

The fees and charges for various licenses, processes and municipal actions directly related to land development shall be required to be adopted by ordinance.

(Ord. No. 2006-106, 5-3-2006)

**Sec. 10-34. Procedure.**

Unless indicated otherwise by this Code, the procedure for obtaining a permit shall be the same as that required to obtain a license. The procedures for denial, revocation or suspension of a license shall apply to denial, revocation or suspension of a permit.

(Code 1984, § 1015.01)

**Sec. 10-35. Payment of fees.**

- (a) *Payment.* The permit fee and other fees and charges set forth in this Code shall be collected by the city before the issuance of any permit, and the city administrator/clerk or designee, building inspector, or other persons authorized to issue a permit for which the payment of a fee is required under the provisions of this Code may not issue a permit until the fee has been paid.
- (b) *Double fees.* Except as otherwise specifically provided herein, if a person begins work of any kind for which a permit from the city is required without having secured the necessary permit therefor, either previous to or on the date of commencement of such work, he shall, when subsequently securing such permit, pay double the fee provided for the permit and is subject to the penalty provisions of this Code.

(Code 1984, § 1015.03)

**Sec. 10-36. Permit fees.**

The fees and charges for the various permits required by this Code are set forth in the city's adopted fee schedule.

Chapter 10 LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

(Code 1984, § 1015.05)

**Secs. 10-37—10-60. Reserved.**

**ARTICLE III. AMUSEMENTS <sup>(1)</sup>**

[Sec. 10-61. Mechanical riding devices.](#)

[Secs. 10-62—10-80. Reserved.](#)

**Sec. 10-61. Mechanical riding devices.**

(a) *Definition.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Coin-operated mechanical riding device or machine* means any machine or device which persons may ride in or upon after insertion of a coin and which machine or device is primarily intended for amusement of children.

(b) *General rule.* No person shall maintain or keep for operation within the city a coin-operated mechanical riding machine or device without a license.

(c) *License; fee.* A separate license is required for each such machine or device. The license fee is set by the city's adopted fee schedule.

(d) *Application.* The application for the license shall give a description of the machine or device, the exact location where the machine or device is to be kept or maintained and the name and address of the owner of the machine or device.

(e) *Insurance.* The licensee shall carry liability insurance as required by this chapter.

(f) *Electrical inspection.* If the machine or device is operated by electricity, the electrical inspector shall inspect such machine or device and the electrical connection and approve the same before it may be put in use by or for the public.

(Code 1984, § 1100.03)

**Secs. 10-62—10-80. Reserved.**

---

FOOTNOTE(S):

---

--- (1) ---

**State Law reference—** Authority to regulate amusements, Minn. Stats. § 412.221, subd. 25. ([Back](#))

PART I - CODE OF ORDINANCES

Chapter 10 LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

**ARTICLE IV. TOBACCO DEALERS**

DIVISION 1. - GENERALLY

DIVISION 2. - LICENSE

***DIVISION 1. GENERALLY***

[Sec. 10-81. Definitions.](#)

[Sec. 10-82. Administrative fine, suspension or revocation of license.](#)

[Sec. 10-83. Sales of less than a carton.](#)

[Sec. 10-84. Sale of single packages.](#)

[Sec. 10-85. Self-service vending of cartons, limitations.](#)

[Sec. 10-86. Prohibition against retail sales of tobacco by vending machine.](#)

[Secs. 10-87—10-115. Reserved.](#)

**Sec. 10-81. Definitions.**

For the purposes of this article each of the following words, terms, and phrases shall have the following meanings, unless the context in which used clearly indicates a different meaning:

*Carton* means a package containing ten or more individual packs of cigarettes.

*Location* means the building, room, space, or area where tobacco is sold at retail, identified by the address and under the control of one person.

*Minor* means any individual, without regard to sex, who has not attained the age of 18 years.

*Operator* means the person in legal possession and control of a location by reason of ownership, lease, contract, or agreement for the sale of tobacco therein at retail.

*Self-service vending* mean the display for sale of tobacco products which are accessible to the public without the need of assistance by or intervention of any employee.

*Tobacco* means cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish, plug and twist tobacco; fine cut or other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or cigarette papers.

*Tobacco shop* means a self-contained, independent retail facility, as opposed to a department within a larger retail establishment, that is not more than 1,000 square feet in area, in which tobacco is offered for sale, with or without other nontobacco products, which includes open air display of individual products for inspection and selection by patrons, and which is continuously staffed by an employee from which persons under 18 years of age are prohibited from entering, and which otherwise complies with the requirements of Minn. Stats. § 461.18, subd. 1(d).

*Tobacco vending machine* mean any kind of device or mechanical machine which upon the insertion therein coins, tokens or other objects will release packages or otherwise, tobacco for the purpose of selling the same at retail.



Chapter 10 LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

(Ord. No. 1400.04, § 01, 4-26-2000)

**Sec. 10-82. Administrative fine, suspension or revocation of license.**

Upon a violation by a licensee holding a retail tobacco dealer's license of any provision of this article or any provision of a state law regulating the sale or furnishing of tobacco to minors, the city council may impose a civil fine, or suspend or revoke the retail tobacco dealer's license in accordance with the schedule set forth in fee schedule.

No administrative penalty may be imposed against a licensee until the city council has conducted a public hearing after having first given the licensee two weeks' written notice setting forth the time and date of the alleged violation, and the time, date and place of the public hearing. Any civil fine assessed against a licensee pursuant to this section must be paid in full within 30 days from receipt of the written notification of the city council imposition of the civil fine. Failure to pay the fine within that time period shall result in a ten-day license suspension. Licensees whose licenses have been revoked may not be issued a new license within six months from the effective date of such revocation.

The fees, fines, or penalties for chapter 10 are set by the city's adopted fee schedule, and are subject to change with proper notice to the public or by [the] beginning of each year.

(Ord. No. 1400.04, § 08, 4-26-2000; Ord. No. 2017-105, § 1, 4-20-2017)

**State Law reference**— Administrative penalties, Minn. Stats. § 461.12, subs. 2, 3.

**Sec. 10-83. Sales of less than a carton.**

No retail tobacco licensee shall offer any tobacco products, packaged less than a carton, but more than a single package, unless:

- (1) By a vending display that is either on or accessible only from behind the checkout or service counter that is staffed by at least one on-duty clerk or employee, and the display is within clear view of that on-duty clerk or employee, or
- (b) Such displays are contained in a locked display cabinet, to which access is controlled by a store employee.

This section shall not apply to a tobacco shop.

(Ord. No. 1400.04, § 05, 4-26-2000)

**Sec. 10-84. Sale of single packages.**

No retail tobacco licensee shall offer for sale single packages of tobacco products in open displays that are accessible by the public without the intervention of a store employee.

(Ord. No. 1400.04, § 06, 4-26-2000)

**Sec. 10-85. Self-service vending of cartons, limitations.**

Self-service vending of cartons of cigarettes is permitted provided that cartons shall be sold only from display racks located within 20 feet and in clear view of an on-duty clerk or employee, and the display racks must be equipped with clear shields that allow the removal only of a single carton of cigarettes that is being

PART I - CODE OF ORDINANCES

Chapter 10 LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

displayed. All such displays shall be accompanied by a sign stating, Shoplifters will be prosecuted, in plain view of customers. This section shall not apply to a tobacco shop.

(Ord. No. 1400.04, § 07, 4-26-2000)

**Sec. 10-86. Prohibition against retail sales of tobacco by vending machine.**

No person shall sell or dispense any tobacco through the use of a vending machine.

(Ord. No. 1400.04, § 10, 4-26-2000)

**Secs. 10-87—10-115. Reserved.**

***DIVISION 2. LICENSE*** <sup>[2]</sup>

[Sec. 10-116. License required.](#)

[Sec. 10-117. Procurement of license.](#)

[Sec. 10-118. License fees.](#)

**Sec. 10-116. License required.**

It shall be unlawful for any person to sell at retail any tobacco within the city, unless the person then holds a retail tobacco dealer's license, in full force and effect.

(Ord. No. 1400.04, § 02, 4-26-2000)

**Sec. 10-117. Procurement of license.**

- (a) Any person desiring a retail tobacco dealer's license shall make and file with the city administrator/clerk an application, in writing, executed in duplicate. Such application shall give the name and residence address of the applicant, if an individual, identify the location at which it is proposed to sell tobacco at retail, and such other information as the council may from time to time require. The application shall be accompanied by the required fee.
- (b) The city administrator/clerk shall immediately transmit to the chief of police a copy of the application, who shall forthwith make investigation of all facts and information which he can reasonably find, bearing upon the question of the applicant's fitness to receive the license and to perform the duties imposed by this article. Upon completing his investigation, the chief of police shall report, in writing, his findings to the mayor, together with his recommendation as to the issuance of a license to the applicant. The mayor shall submit to the city council the reports of the chief of police, together with his recommendation as to the issuance of the license to the applicant.
- (c) The city council shall consider the facts and recommendation of the chief of police and of the mayor, together with any material facts which it may have or obtain and then, by motion, shall approve or deny the application. If the council has approved the application, it shall then be the duty of the city administrator/clerk to execute and deliver a license to the applicant on a form approved by the city

PART I - CODE OF ORDINANCES

Chapter 10 LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

attorney. Such license shall be for the year for which it is issued, or if it be a first issue for the location by the licensee, then for the balance of the current year.

(Ord. No. 1400.04, § 03, 4-26-2000)

**Sec. 10-118. License fees.**

The basic fee to be charged for a license at each separate location shall be a established in the fee schedule.

(Ord. No. 1400.04, § 04, 4-26-2000)

---

FOOTNOTE(S):

---

--- (2) ---

**State Law reference**— Municipal tobacco licenses, Minn. Stats. § 461.12. [\(Back\)](#)