

## **Chapter 12 BUSINESSES\***

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**\*Cross reference(s)**--Alcoholic beverages, ch. 4; amusements and entertainments, ch. 6; community development, ch. 16; emergency services, ch. 20; licensed collectors of refuse, § 32-37; utilities, ch. 42; B-1 limited business district, § 46-151 et seq.; B-2 service business district, § 46-181 et seq.; B-3 central business district, § 46-211 et seq.; I-1 limited industrial district, § 46-241 et seq.; I-2 general industrial district, § 46-271 et seq.; fences, walls or hedges required in commercial and industrial areas, § 46-384.

**State law reference(s)**--Authority to regulate and license transient merchants, hawkers, peddlers, solicitors and canvassers, M.S.A. § 412.221, subd. 19; authority to regulate taxis, M.S.A. § 412.221, subd. 20.

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### **ARTICLE I. IN GENERAL**

**Secs. 12-1--12-30. Reserved.**

### **ARTICLE II. LICENSES AND PERMITS**

**Sec. 12-31. Governance.**

Except as otherwise provided in this Code, all licenses and permits granted by the city shall be governed by the provisions of this article.

(Code 1987, § 501.01(1))

**Sec. 12-32. Acts prohibited.**

No person shall conduct any activity or use any property for which a license or permit is required by law or this Code without a currently valid license or permit for such activity or use.

(Code 1987, § 501.01(2))

**Sec. 12-33. Application.**

Every application for a license shall be made to the administrative clerk-treasurer on a form provided by him. It shall be accompanied by payment to the administrative clerk-treasurer of the prescribed fee. If after investigation the administrative clerk-treasurer is satisfied that all requirements of law and this Code have been met, he shall present the application to the council for action; or, if the license or permit does not require council approval, he shall issue the license or permit.

(Code 1987, § 501.01(3))

**Sec. 12-34. Bond.**

Where a bond is required for any license or permit, the bond shall be a corporate surety bond executed on a form approved by the city attorney and shall be filed with the administrative clerk-treasurer before the license or permit is issued. Except where otherwise provided, a bond shall be in the amount of \$3,000.00 for club on-sale liquor. Other amounts if applicable shall be determined upon application. The licensee or permittee shall comply with the applicable ordinance and laws pertaining to the licensed or permitted activity; and 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.

(Code 1987, § 501.01(4))

**Sec. 12-35. Insurance.**

- (a) 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 administrative clerk-treasurer before the license or permit is issued. Each license or permit shall terminate upon termination of the required insurance coverage.

- (b) Unless otherwise provided, a required policy of liability insurance shall conform to the amounts provided for in M.S.A. § 65B.49, subd. 3. In cases that may result in tort liabilities, the limits set forth in M.S.A. § 466.04 shall apply.

(Code 1987, § 501.01(5))

**Sec. 12-36. Fees.**

- (a) *Established.* License fees are in the amounts established by the city council, and a schedule of such license fees is on file and available in the city offices.
- (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. Exceptions to this provision shall be by the council resolution only.

(Code 1987, § 501.02)

**Sec. 12-37. 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. A schedule of expiration and renewal dates is on file and available in the city offices.

(Code 1987, § 501.03)

**Sec. 12-38. 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 1987, § 501.04)

**Sec. 12-39. 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, his business or premises, to enforce compliance with applicable provisions of this Code. Subject to the provisions of subsection (b) of this section, he 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 his 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 1987, § 501.05)

**Sec. 12-40. Duties of licensee.**

- (a) *Compliance required.* Every licensee and permittee shall have the duties set forth in this section.
- (b) *Inspection.* He shall permit at reasonable times inspections of his business and examination of his books and records by authorized officers or employees.
- (c) *Compliance with law.* He shall comply with laws, ordinances and regulations applicable to the licensed business, activity or property.
- (d) *Display of license.* He 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, or at his principal place of business.
- (e) *Unlawful disposition.* The licensee shall not lend or give to any other person his license or license insignia.

(Code 1987, § 501.06)

**Sec. 12-41. Suspension or revocation.**

The council may suspend for a period not exceeding 60 days or revoke any license or permit for violation of any provision of law, ordinance or regulation applicable to the licensed or permitted activity or property. 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, consistent with the provisions of M.S.A. § 340.135.

(Code 1987, § 501.07)