

CHAPTER 4

BUSINESS REGULATION

Sec. 4.01 BUSINESS LICENSES

Subd. 1. NOT TRANSFERABLE

No license issued by the City may be transferred from one person to another without permission of the Council. When the Council permits the transfer of a license, it may waive any residency requirement, but only for the required term of the license.

Subd. 2. REVOCAION

Any license may be revoked by the Council for a violation of the section or chapter under which it is issued. However, the revocation must follow any procedure provided in the section or chapter in question.

Subd. 3. APPEAL

Any person who has made application and has been denied or not acted upon within thirty (30) days after the application may apply directly to the Council for a license. The application to the Council shall contain the same information required in the original application, plus any additional information that the Council may require or that the applicant may feel is pertinent. The Council may grant the license after hearing, if the requirements of this code are substantially complied with, and in the opinion of the Council, granting of the license would be in the best interest of the public.

Subd. 4. CIGARETTES

1. License required. No person, firm or corporation shall directly or indirectly or by means of any device keep for retail sale, sell at retail, or otherwise dispose of any cigarette, cigarette paper, or cigarette wrapper at any place in the City unless a license therefore shall first have been obtained.
2. Application. Application for such license shall be made to the Clerk, and may be granted in his discretion. Such application shall make full disclosure of all matters relating to the applicant's name, age, the business in connection with which the proposed license

will operate and its location, and such other information as may be required by the Council.

3. Fees. The fee for every license shall be \$12.00 per year, pro rated.
4. License shall be displayed. Every license shall be kept conspicuously posted at the location for which the license is issued and shall be exhibited to any person upon request.
5. Restrictions
 - A. No license shall be issued except to a person of good moral character.
 - B. No person shall keep for sale, sell, or dispose of any cigarette containing opium, morphine, jimson weed, bella donna, strychnia, cocaine, marijuana, or any other deleterious or poisonous drug except nicotine.

Subd. 5. PUBLIC DANCES

1. The State Law Governs. All dances held in this City hereafter shall be conducted in accordance with the provisions of Chapter 624 of Minnesota Statutes, 1971, Sections 624.42 to and including 624.54, regulating the conduct of dances as heretofore, or hereafter amended. The definitions of terms in the first section of said act are hereby adopted, except that the term "public dance" shall be taken to apply to any place in which dancing may be or is carried on, other than a private residence; and the term "public dance" shall be taken to apply to every dance held in a public dancing place, whether an admission fee is charged or not.
2. License Required. No person shall conduct a public dance in this City unless a license shall have been procured therefor from the Clerk.
3. Fee. The license fee shall be \$24.00 per year, provided that any lodge or society not organized or maintained for profit may conduct public dances upon the payment of \$5.00 fee per dance.
4. Application. Any person or persons desiring a permit to hold or conduct a public dance in the City shall make application therefor on blanks furnished by the Clerk. The application shall set forth the name and address of the person, persons, committee or

organization which is to conduct the dance; time and place where such dance is to be held, and the area of the dance floor. The application shall also show affirmatively that each of the applicants is a person of good moral character and reputation in the community in which he lives and that none of the applicants has been convicted of a felony, gross misdemeanor, or of violating any ordinance or law regulating dances any place in the United States. The City Clerk shall issue the license if in his opinion the public health or safety will not suffer therefrom. In the case the license be issued, the same shall be posted in a public place in the dance hall described therein during the time the dance is being given, and the persons named in the license shall be responsible under the law for the manner in which such dance is to be held and conducted.

5. Police Protection Required. It shall be a condition of any permit issued under this section that the applicant shall provide at his own expense policing of the immediate and surrounding area of the building or area in or upon which said dance is held. The failure to provide such policing shall constitute grounds for the immediate revocation of the license.

Subd. 6. PEDDLERS

1. License Required No solicitor, peddler, hauler of a transient vendor or merchandise, shall without having been requested or invited to do so by the owner or owners, occupant or occupants of such private residence of the City for the purpose of soliciting orders for the sale of goods, wares and merchandise, or for the purpose of disposing of or peddling or hauling the same without first obtaining a license therefore.
2. Application. Before any license shall be issued to any person to vend, sell, hawk or peddle goods, the person desiring such license shall file a written application with the City Clerk. Said application shall show:
 - A. The name of the applicant and the persons associated with him in his business.
 - B. Type of business for which the license is desired.
 - C. The length of time for which said license is to be desired.

- D. A general description of the thing or things to be sold.
- E. The present place of business of the applicant.

- 3. Issuance Fee. Every application for a license under this ordinance shall bear the written approval of City Chief of Police or Mayor after an investigation of the moral character of the applicant. When the applicant presents to the City Clerk an application in proper form for any business not prohibited by law, he shall pay a \$25.00 fee to cover the cost of said application. The Clerk may issue to said applicant a license to conduct, or to pursue, or carry on the business for which said license was required for the period requested, if in his opinion the public health, safety, or peace will not suffer therefrom, and the public will not be defrauded thereby.

The refusal or failure of a licensee to provide the police protection herein required shall constitute grounds for immediate revocation of the license and the immediate termination of all activities permitted thereunder.

- 4. Consumer frauds. Any peddler who is found guilty of a referral selling as defined in Minnesota Statutes Annotated Section 38.04 (6) or of any other consumer fraud shall have his license revoked.

Subd. 7. FIREWORKS

- 1. License Required. No person shall use or explode any fireworks as defined in Minnesota Statutes Annotated Section 624.20 (1964) without a license therefore.
- 2. Application. Every application for such a license shall be made in writing to the Clerk at least fifteen (15) days in advance of the date of the display. The application shall be promptly referred to the Fire Marshal, who shall make an investigation to determine whether the operator of the display is competent and whether the display is of such a character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. The Fire Marshall shall report his findings of this investigation to the Clerk and if he reports that in his opinion the operator is competent and that the display as planned will conform to safety requirements, including the rules and regulations of the State Fire Marshal, the Clerk shall issue a license for the display.

Subd. 8. CIRCUSES, THEATRICAL PERFORMANCES, AMUSEMENTS,
SHOWS AND EXHIBITIONS

1. License required. No person shall hold, promote, advertise for, or otherwise engage in offering or opening to the public a circus, theatrical performance, amusement, show, or exhibition without first obtaining from the City Council a license therefore.
2. Fee. The license fee shall be the sum of \$50.00 per year, or \$10.00 per day for each day that the activity is conducted, offered, or held open for the public, whichever is lesser, provided that any local lodge, society, or charitable organization, none of which are organized or maintained for profit, may engage in activities regulated under this Section upon the payment of a fee of \$20.00 per year, or \$1.00 per day for each day that the activity is conducted, offered, or held open for the public.
3. Application. Any person or persons desiring to engage in activities regulated under this section shall make application for such license on blank furnished by the Clerk. The application shall set forth the name and address of the person, persons, committee or organization which is to conduct the regulated activity; state the times and places where such activities are to be held or conducted, and state the nature of the activity for which the license is sought. The application shall also contain such other information as is reasonably requested by the City Clerk. In the event the license is issued, the same shall be posted in a conspicuous place on the premises at which the activity is conducted.
4. Deposit required. As a condition for the issuance of a license, the applicant shall deposit with the Clerk, the sum of \$100.00, dedicated to cleaning up and restoring the area utilized to its state existing prior to the commencement of the activity licensed. The licensee shall have a period of twenty four hours (24) following the termination of the activity within which to clean up and restore the area or premises. The Clerk or other authorized personnel of the City may examine the area to see if the conditions herein stated have been complied with. Upon compliance, the Clerk shall refund the deposit of \$100.00. The refusal of or failure by the licensee to comply with the conditions of this section shall constitute a release of any claim to the deposited sum by the licensee, and said sum shall thereafter be forfeited to the City for

the purposes of cleaning up and restoring the area or premises, any balance remaining thereafter shall be deemed liquidated damages forfeited to the City for failure to comply with this section.

Sec. 4.02 3.2 PERCENT MALT LIQUOR

Subd. 1. 3.2 PERCENT MALT LIQUOR STATUTES ADOPTED

There is hereby incorporated by reference and in full force and effect as if fully set forth herein the 3.2 Percent Malt Liquor Statutes contained in Minnesota Statutes, Chapter 340A.

Subd. 2. MODIFICATIONS

Section 340.02 (2) is modified to read as follows:
"On-sale"; fees. Retail "on-sale" licenses shall permit the licensee to sell such 3.2 percent malt liquor for consumption on a licensed premises, and the license fee therefore shall be \$100.00 per annum.

Sec. 4.03 ON-SALE INTOXICATING LIQUOR, GENERALLY -

Subd. 1 INSPECTIONS

Any police officer, building inspector, or any properly designated officer or employee of the city shall have the unqualified right to enter, inspect and search the public portion of the premises of a licensee under this article during business hours without a search warrant. The business records of each intoxicating liquor licensee, including federal and state tax returns, shall be available for inspection by duly authorized representatives of the city of the council at all reasonable times. Any such licensed premises may be inspected by the health officer at such time or times as necessary or advisable to maintain clean and sanitary conditions.

Subd. 2 ENLARGEMENT, ALTERATIONS, OR EXTENSION OF PREMISES

Proposed enlargement, alteration, or extension of premises licensed under this article shall be reported to the council at or before the time application is made for a building permit for any such change and the licensee shall also give such information as is required by ordinances.

Subd. 3 MIXING IN UNLICENSED PUBLIC PLACES

No person shall mix or prepare intoxicating liquor for consumption in any place not licensed by the City.

Subd. 4 EMPLOYMENT OF PERSONS WITH CRIMINAL RECORDS ON

LICENSED PREMISES

No person shall be employed on premises licensed under this article who has been convicted of a felony or of any law relating to the manufacture, sale, or transportation of intoxicating liquor.

Subd. 5 SALE FOR OFF-PREMISES CONSUMPTION

No licensee under this article shall sell intoxicating liquor off-sale.

Subd. 6 PRESENCE OF MINORS IN LICENSED ESTABLISHMENTS

No person under 18 years of age may serve or sell intoxicating liquor.

Subd. 7 ETHYL ALCOHOL OR NEUTRAL SPIRITS

No intoxicating liquor licensee shall keep ethyl alcohol or neutral spirits on any licensed premises or permit their use on the premises as a beverage or mixed with a beverage.

Subd. 8 POSSESSION OF FEDERAL WHOLESALE LIQUOR DEALER'S STAMP OR GAMBLING STAMP

No intoxicating liquor licensee shall apply for or possess a federal wholesale liquor dealer's special tax stamp or a federal gambling stamp.

Subd. 9 SALES BY CLUBS

All sales of intoxicating liquor by organizations holding club licenses under this article shall be made to bona fide members and guests only.

Subd. 10 HOURS AND DAYS OF SALE

No sale of intoxicating liquor shall be made between 1:00 a.m. and 8:00 a.m. on any weekday and on Saturday. No sale of intoxicating liquor shall be made on Sunday.

Sec. 4.04 RETAIL LICENSE

Subd. 1 REQUIRED

It is unlawful for any person, organization, corporation, or club, except wholesalers or manufacturers, to the extent authorized under state law, to

directly or indirectly sell, or keep for sale, any intoxicating liquor without first having received a license to do so approved by the council.

Subd. 2 CLASSIFICATION

Intoxicating liquor licenses issued by the city shall be of the following kinds:

- (1) On-sale license.
- (2) Special club license.
- (3) On-sale wine license.
- (4) Off-sale license

Subd. 3 APPLICATION; INVESTIGATION; INVESTIGATION FEE, ETC.

- (a) Application for intoxicating liquor licenses shall be in the form prescribed by the council and may contain any information that the council may require.
- (b) At the time a licensee submits his application for renewal of a license, he shall state the nature or amount of any contribution he has made for campaign or political purposes, the person to whom the contribution was made and the persons or organization for whom intended.
- (c) All initial intoxicating liquor, wine and special club licenses shall be accompanied by payment of a fee as determined by resolution of the council to cover costs of investigation.
- (d) Changes in the corporate or association officers of a licensee, corporate charter of a licensee, articles of incorporation of a licensee, bylaws of a licensee, or partnership agreement of a licensee shall be submitted to the city clerk within thirty (30) days after such changes are made. Notwithstanding the definition of interest in the case of a corporation, the licensee shall notify the city clerk when a person not in the application acquires an interest which, together with that of his spouse, parent, brother, sister, or child exceeds five (5) percent, and shall give all information about such person as required of a person pursuant to the provisions of this article.
- (e) At any time an additional investigation is required because of a change in the ownership or control of a corporation or because of

an enlargement, alteration, or extension of premises previously license, the intoxicating liquor licensee shall pay an additional investigating fee in an amount determined by resolution of the council.

Subd. 4 LICENSE FEES

- (a) Intoxicating liquor license fees shall be as determined by resolution of the council. When the license is for premises where the building is not ready for occupancy, the time fixed for computation of the license fee for the initial license, shall be the date the building is ready for occupancy.
- (b) Where a new application is filed as a result of incorporation by an existing intoxicating liquor licensee and the ownership, control and interest in the license are unchanged, no additional license fee will be required.
- (c) No part of the fee paid for any license shall be refunded except as authorized by state law or by the council.

Subd. 5 GENERAL ELIGIBILITY REQUIREMENTS

- (a) In addition to all other restrictions imposed by law or ordinance, no intoxicating liquor license shall be granted to, renewed, or held by any person.
 - (1) Who is directly or indirectly interested in more than two (2) establishments in the city to which an intoxicating liquor license has been issued. No person shall own an interest in more than two (2) establishments or businesses for which an intoxicating liquor license has been granted.
 - (2) Who, if a corporation, does not have a manager who is eligible pursuant to the provisions of this chapter.
 - (3) Who is the spouse of a person ineligible for a license pursuant to the provisions of this title or who, in the judgment of the council, is not the real party in interest or beneficial owner of the business operated, or to be operated under the license.

(b) Special club licenses shall be issued only to duly incorporated clubs.

Subd. 6 NUMBER OF LICENSES

The Council shall issue no more on-sale liquor licenses than permitted by Minnesota Statutes Section 340A.413. ~~The maximum number of off-sale licenses shall be one.~~

Subd. 7 PLACES INELIGIBLE FOR LICENSE

No intoxicating liquor license shall be granted, or renewed for:

(1) A premises on which taxes, assessments or other financial claims of the city are delinquent and unpaid.

(2) Premises that are prohibited from holding a license by state law.

(3) A motel, hotel, or restaurant that does not have a dining area open to the general public.

Subd. 8 GENERAL LICENSE CONDITIONS

Every intoxicating liquor license shall be granted subject to all the provisions of the City ordinances, resolutions and state and federal laws.

Subd. 9 TERM; PRORATING FEE

Intoxicating liquor licenses shall expire on June 30 of each year. The fee for a license granted after the commencement of the license year shall be prorated on a monthly basis and each part of the month shall constitute a full month.

Subd. 10 TRANSFER

An intoxicating liquor shall be issued to the applicant only. The license shall be issued only for the premises described in the application. No license may be transferred to another person or to another place without the approval of the council.