

## CHAPTER X

## LICENSES AND PERMITS; PROCEDURES AND FEES

Section 1000 - General Provisions

1000.01. Policy and purpose of chapter. By the enactment of this chapter, the city council intends to establish to the maximum degree possible a uniform system for the issuance, revocation, suspension and renewal of licenses and permits for activities for which licenses and permits are required by this code. The fees for licenses and permits are set from time to time by city council resolution. The fee resolution is set forth in Appendix B.

1000.03. Application of chapter. Subdivision 1. 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 chapter apply.

Subd. 2. Other provisions. Where a provision of this code requiring a license or a permit contains procedures for its term, issuance, revocation, suspension, renewal or the procedure for a pro rata payment or refund of a fee, that provision prevails over this chapter.

Subd. 3. 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 Appendix B, the fee set by Appendix B applies.

1000.05. Notice and hearing. Subdivision 1. Vending machines. Prior to the increase of a license fee for vending machines as defined in Minnesota Statutes, section 471.707, the council must hold a public hearing on the question of the increase. The clerk must mail written notice of the time and date of the hearing to vending machine licensees at least 30 days prior to the hearing.

Subd. 2. Liquor and beer. Prior to the increase of the license fees for intoxicating liquor and non-intoxicating liquor both on sale and off sale, the council must hold a public hearing on the question of the increase. The clerk must mail written notice of the time and date of the hearing to holders of such licenses at least 30 days prior to the hearing.

Section 1005 - Licensing Procedures

1005.01. Licenses required. It is unlawful for a person to engage in a trade, profession, business or privilege in the city for which a license is required by a provision of this code without first obtaining a license from the city in the manner provided in this section.

1005.03. Application. Application for a license is made to the Clerk on forms provided by the city. The applicant must state the location of the proposed activity and such other facts as are required for or applicable to the granting of the license.

1005.05. Payment of fee. The fees required for a license must be paid at the office of the Clerk before the granting of the license. Except as otherwise provided in this code, a license fee once paid will not be refunded.

1005.07. Bond and insurance. Required bonds must be in form satisfactory to the city attorney, be executed by two sureties, or a surety company, and be subject to the approval of the manager and the Council. Where policies of insurance are required, the policies must be approved as to substance and form by the city attorney. Satisfactory evidence of coverage by bond or insurance must be filed with the Clerk before the license is issued.

Unless specified otherwise the applicant must provide a certificate of insurance with the city with public liability insurance of not less than \$1,000,000 combined single limit issued by an insurance company authorized to do business in the state of Minnesota. The policy must provide that it may not be cancelled by the issuer except upon ten days' written notice to the city. The policy of insurance must be maintained in its original amount by the licensee during the period for which the license is in effect. If the insurance is cancelled the license or permit will be automatically suspended until the insurance is replaced. The city must be named as a certificate holder, or additional insured, on the insurance policy depending upon the provisions of the contract. Any requests for lesser amounts of insurance require prior Council approval. (Added, Ord. No. 03-22)

1005.09. Approval or denial of licenses. Where the approval of a city or state officer or the Council is required prior to the issuance of a license, the approval must be presented to the Clerk before the license is issued. A license may not be approved by a city officer or issued by the Clerk 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. Unless otherwise provided, every license shall be approved by the Council before issuance or may be ratified by the Council at its next regular meeting following its issuance by the City Clerk. (Amended, Ord. No. 02-05; Ord. No. 09-05)

1005.11. License term. The term of a license is January 1 to December 31. Where the issuance of licenses for periods of less than one year is permitted, the effective date of the license is the date of its issuance.

Subd. 1. Renewal. License renewals are issued subject to the same conditions imposed in the original license. Where city code requirements for renewal of licenses are referred to this Section, the City Clerk may issue the license renewal once the City Clerk determines that conditions have been met. Otherwise license renewals are issued in the same manner as the original license. Licensees must make application to renew their licenses before December 15 of the preceding year. (Amended, Ord. No. 02-05; Ord. No. 09-05)

Subd. 2. Late fees. A licensee who fails to submit a completed application before December 15 of the preceding year, but submits it prior to January 1, shall be subject to an administrative service charge double the amount of the license or \$50.00, whichever is less, in addition to the license fee. As an alternative, the licensed business may pay the regular license fee and remain closed for the licensed business from January 1 until the City Council approves the license. Incomplete applications will be returned to the applicant. (Added, Ord. No. 02-05)

1005.13. License certificates. License certificates must show the date of issue, the activity licensed and the term of the license. Licenses must be signed by the Mayor and Clerk and impressed with the city seal.

1005.15. Exhibition of license certificate. A licensee must carry the license certificate upon the licensee's person at all times when engaged in the activity for which the license was granted. Where the licensed activity is conducted at a fixed place of business or establishment, the certificate must be displayed in some conspicuous place on the premises. The licensee must present the license certificate when applying for a renewal and upon demand of any police officer or authorized representative of the city.

1005.17. Transfer of license. Unless otherwise provided in this code, licenses are not transferable without the authorization of the council.

1005.19. Renewal of license. License renewals are issued in the same manner and subject to the same conditions as original licenses.

1005.21. Revocation; denial; suspension. 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:

- a) fraud, misrepresentation, or incorrect statement contained in the application for license, or made in carrying on the licensed activity;
- b) conviction of any crime, or misdemeanor, pertaining to license held or applied for, subject to the provisions of Minnesota Statutes, chapter 364;
- c) 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 authorities or other appropriate city officials;
- d) 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;
- e) actions unauthorized or beyond the scope of the license granted;
- f) violation of a 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;
- g) failure to continuously comply with the conditions required as precedent to the approval of the license.

1005.23. Hearing. A license may not be suspended or revoked until after a hearing is granted to the licensee. The hearing is held before the city council upon due notice to the licensee stating the time and place of such hearing, together with a statement of the violation alleged to be the cause for the revocation or suspension of the license.

1005.25. Temporary suspensions. The city 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.

1005.27. Inspections. The city health authorities and other appropriate city officials may enter upon the premises where a licensed activity is being conducted for the purpose of inspection at reasonable hours.

1005.29. Pro rata fees. On an initial application for a license, the fee, except as otherwise provided by law or this code, will not be pro rated based upon the remaining license period. (Amended, Ord. 05-01)

1005.31. Payment of fees. Subdivision 1. Payment. The permit fee and other fees and charges set forth in Appendix B must be collected by the city before the issuance of a license. The city clerk, building inspector, or other person authorized to issue a permit for which the payment of a fee is required under the provisions of this code may not issue a license until the fee has been paid.

Subd. 2. Double fees. If a person begins work for which a license from the city is required without having secured the necessary license, either previous to or on the date of commencement of the work, that person must, when subsequently securing the license, pay: (a) if the application is made within ten business days after beginning the permitted activity 1.5 times the required fee; and (b) double the fee thereafter. The applicant is subject to the penalty provisions of this code.

Subd. 3. Refunds. Application fees may not be refunded unless the application is withdrawn five days prior to its referral to the (a) planning commission or (b) the council. Refunds are subject to a 20% service charge and costs related to public hearing notification. (Amended, Ord. No. 06-02)

Section 1010 - Permit Procedures

1010.01. Permits required. It is unlawful to conduct an activity in the city for which a permit is required by a provision of this code without first obtaining the permit from the city in the manner provided in this section.

1010.03. Application for permit. Application for a permit is made to the city manager on forms furnished by the city. The application must contain information as to location, nature, extent and costs of the proposed structure, work, installation, activity, or other purpose, and other information that a duly authorized person may require under this code. The application must contain a declaration that the facts and representations therein made are true and correct, subscribed to by the person or persons, or officers or agents of a corporation, applying for the permit.

1010.05. Granting of permits. Upon payment to the city by the applicant of the required fee, and upon approval of the appropriate inspector, the permit will be issued, except where council approval is required, in which case the appropriate officer may issue the permit only after approval is granted by the council.

1010.07. Payment of fees. Subdivision 1. Payment. The permit fee and other fees and charges set forth in Appendix B must be collected by the city before the issuance of any permit. The city clerk, building inspector, or other person 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.

Subd. 2. Double fees. If a person begins work for which a permit from the city is required without having secured the necessary permit, either previous to or on the date of commencement of the work, that person must, when subsequently securing such permit, pay: (a) if the application is made within ten business days after beginning the permitted activity 1.5 times the required fee; and (b) double the fee thereafter. The applicant is subject to the penalty provisions of this code. Building permit fees are not subject to this subdivision.

Subd. 3. Refunds. Application fees may not be refunded unless the application is withdrawn prior to the necessary reviews and being ready for issuance. Refunds are subject to a 20% service charge. (Amended, Ord. No. 06-02)