

## Chapter 6

### Other Business Regulation and Licensing

**Section 6.01. Definitions.** As used in this Chapter, the following words and terms shall have the meanings stated:

1. “Applicant” means any person making an application for a license under this Chapter.
2. “Application” means a form with blanks or spaces thereon, to be filled in and completed by the applicant as his 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.
3. “Bond” means a corporate surety document in the form and with the provisions acceptable and specifically approved by the City Attorney.
4. “Business” means 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 Chapter.
5. “License” means a document issued by the City to an applicant permitting him to carry on and transact a business.
6. “Licensee” means an applicant who, pursuant to his application, holds a valid, current, unexpired and unrevoked license from the City for carrying on a business.
7. “License fee” means the money paid to the City pursuant to an application and prior to issuance of a license to transact and carry on a business.
8. “Sale”, “Sell”, and “Sold” mean all forms of barter and all manner or means of furnishing merchandise to persons.

**Section 6.02. Applications.** All applications shall be made as follows:

**Subd. 1.** All applications shall be made at the office of the City Clerk-Treasurer upon forms that have been furnished by the City for such purposes.

**Subd. 2.** Unless otherwise provided for in this Chapter, all such applications must be subscribed, sworn to, and include such information as the Council deems necessary considering the nature of the business for which license application is made.

**Subd. 3.** It is unlawful for any applicant to intentionally make a false statement or omission upon any application form. Any false statement in such application, or any willful omission to state any information called for on such application form, shall, upon discovery of such falsehood work on automatic refusal of license, or if already issued, shall render any license or permit issued pursuant thereto, void, and of no effect tot protect the applicant from prosecution for violation of this Chapter, or any part hereof.

**Subd. 4.** The City 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 such extent as he deems necessary. The Council shall not consider an application before such investigation has been completed.

**Subd. 5.** Applications for renewal licenses may be made in such abbreviated form as the Council may by resolution adopt.

### **Section 6.03. Action on Application, Transfer, Termination and Duplicate License.**

**Subd. 1. 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 Chapter.

**Subd. 2. Issuing.** If an application is approved, the City Clerk-Treasurer shall forthwith issue a license pursuant thereto in the form prescribed by the Council, 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 the 1/12<sup>th</sup> for each calendar month or part thereof remaining in the then current license year. Provided, that for the licenses were the fee is less the \$100.00 a minimum license fee equal to one-half 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.

**Subd. 3. 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 Subdivision.

**Subd. 4. Termination.** Licenses shall terminate only by expiration or revocation.

**Subd. 5. 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 such licensee opportunity to be heard. Notice to be given and the exact time of hearing shall be stated in the resolution calling for such hearing. Grounds for revocation may be, but are not limited to, any of the following: (1) that the licensee suffered or permitted illegal acts upon licensed premises; (2) that the licensee had knowledge of such illegal acts but failed to report the same to peace officers; (3) that the licensee failed or refused to cooperate fully with peace officers in investigating such alleged illegal acts; or, (4) that the activities of the licensee created a serious danger to public health, safety, or welfare.

**Subd. 6. Duplicate License.** Duplicates of all original licenses may be issued by the City Clerk-Treasurer, without action by the Council, upon licensee's affidavit that the original has been lost, and Upon payment of a fee in the amount adopted by resolution of the Council for issuance of the duplicate. All duplicate licenses shall be clearly marked DUPLICATE.

**Section 6.04. Fixing License Fees.** Except as otherwise herein provided, all fees for licenses under this Chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such 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 City Clerk-Treasurer, and open to inspection during regular business hours. For the purpose of fixing such fee, the Council may subdivide and categorize licenses under a specific license requirement, provided, that any such subdivision or categorization shall be included in the resolution authorized by this Section.

**Section 6.05. Carrying or Posting.** 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 such sticker. All licensees shall display their licenses upon demand by any officer or citizen.

**Section 6.06. Penalty for Property Owner.** It is unlawful for any person to knowingly permit any real property owned or controlled by him to be used, with a license, for any business for which a license is required by this Chapter.

**Section 6.07. 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 such license, except as to criminal liability therefore, shall be deemed the conduct of the licensee.

**Section 6.08. Conditional Licenses.** Notwithstanding any provision of law to the contrary, the Council may, upon a finding of the necessity therefore, place such

conditions and restrictions upon a license as it, in its discretion, may deem reasonable and justified.

**Section 6.09. Renewal of Licenses.** Applications for renewal of an existing license shall be made at least thirty (30) days prior to the date of expiration of the license, and shall contain such information as is required by the City. This time requirement may be waived by the Council for good and sufficient cause.

**Section 6.10. Insurance Requirements.** Whenever insurance is required by a Section of this Chapter, after approval by the Council, but before the license shall issue, the applicant shall file with the City Clerk-Treasurer a policy or certificate of public liability insurance showing (1) that the limits are at least as high as required, (2) that coverage is effective for at least the license term approved, and (3) that such insurance will not be cancelled or terminated without thirty days' written notice served upon the City Clerk-Treasurer. Cancellation or termination of such coverage shall be grounds for license revocation.

**Section 6.11. License Denial and Fixing Rates – Hearing.**

**Subd. 1. 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 Chapter where such 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 such business in making such determination. Provided, however, that before making such determination, the Council shall hold a public hearing thereon pursuant to such notice to interested parties and the public as it may deem necessary or proper in action calling for such hearing.

**Subd. 2. Rates.** Where, under specific provision of this Chapter, the Council has reserved to itself the right to fix business, such rates shall be uniform for each category or class of service, and no license or proprietor of a regulated business shall claim or demand payment in excess thereof.

**Subd. 3. Hearing.** Any applicant or licensee under this Chapter 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 therefore. Notice of time, place and purpose of such hearing shall be given to such persons and by such means as the Council may determine in calling the hearing.

*Source: City Code  
Effective Date: 1/1/1991*

*(Sections 6.12 through 6.19, inclusive, reserved for future expansion.)*

## **Section 6.20. Amusement Devices.**

**Subd. 1. Definitions.** The following terms, as used in this Section, shall have the meanings stated:

A. “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 such privilege.

B. “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.

C. “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.

D. “Amusement device” – includes a game of skill, a coin amusement, or a video game, as defined in this Subdivision, or any combination thereof.

**Subd. 2. License Required.** It is unlawful for any person to have upon premises owned or controlled by him any amusement device without a license therefore from the City.

**Subd. 3. Exception.** This Section shall not apply to video games of chance licensed by the State.

**Subd. 4. Unlawful Use and Devices.** It is unlawful for any person to: (1) sell or maintain a machine or device which is for gambling or contains an automatic pay-off device; (2) give any prize, award, merchandise, gift, or thing of value to any person on account of operation of such device; (3) sell or maintain, or permit to be operated in his place of business, any amusement device equipped with an automatic pay-off device; (4) equip any amusement device with an automatic pay-off device; (5) permit persons under the age of eighteen years to play or operate any game of skill; or (6) permit the playing of coin amusement machines between the hours of 1:00 o’clock A.M. and 6:00 o’clock A.M. of any day.

## **Section 6.21. Dances.**

**Subd. 1. Definitions.** As used in this Section, the following words and terms shall have the meanings stated:

A. "Public dance" means 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.

B. "Public dancing place" means 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, or an admission fee or price for dancing.

**Subd. 2. License Required.** It is unlawful for any person to operate a public dancing place, or hold a public dance, without a license therefore from the City.

**Subd. 3. License Fee.** The license fee shall include the cost of providing attendance of a peace officer, or officers.

**Subd. 4. Application and 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 lives, that he 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 issue 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 such dancing place, or which may be reached by stairs, elevators, or passageway leading from such 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 may be referred by the Council to a peace officer 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 and employed by the City to be present at every public dance during the entire time said dance is being

held. For purposes of this Subparagraph the term “officer of the law” means any person who is a full-time or part-time peace officer. In the discretion of the Council, more than one such peace 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 therefore, 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 eighteen (18) years.

#### **Subd. 5. Dance Regulations.**

A. Obscenity and Immorality Prohibited. It is unlawful for any person to dance, or for a licensee to permit or suffer any person to dance at any public dance in an indecent or immodest manner. It is also unlawful for any person at a public dance to speak in a rude, boisterous, obscene, or indecent manner or for any licensee to suffer or permit any person so to act or speak in any public dancing place.

B. Illumination. Every public dancing place shall be brightly illuminated while in public use, and dancing therein while the lights are extinguished, dimmed or turned low so as to give imperfect illumination is prohibited.

C. Certain Persons Prohibited. No licensee shall permit any unmarried person under the age of sixteen (16) years, unless said unmarried person is accompanied by his parent or guardian, to remain in a public dancing place. Nor shall any licensee permit any intoxicated person, or other person who persists in violating the law, to be or remain in a public dancing place.

D. Hours of Dancing. No public dance shall be held on Sunday between the hours of 1:00 o'clock A.M. and 12:00 o'clock noon. No public dance shall be held on any day between the hours of 1:00 o'clock A.M. and 6:00 o'clock A.M.

#### **Section 6.22. Billiards, Pool and Bowling.**

**Subd. 1. License Required.** It is unlawful for any person to keep or maintain any pool, 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.

**Subd. 2. Practices Prohibited.** It is unlawful for any:

A. Pool, billiard, snooker or other game table licensee to be open between 1:00 o'clock A.M. and 8:00 o'clock A.M. of any weekday, or between 1:00 o'clock A.M. and 12:00 o'clock noon on any Sunday, and permit the use of such licensed facilities.

B. Licensee to permit any form of gambling thereon.

C. Licensee to permit any person to become disorderly or to use profane, obscene or indecent language.

D. 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.

### **Section 6.23. Tobacco.**

**Subd. 1. Definition.** As used in this Section, the term “tobacco” means and includes tobacco in any form, including but not limited to, cigarettes, cigars, bagged, canned or packaged product.

**Subd. 2. License Required.** It is unlawful for any person, directly or indirectly, to keep for retail sale, sell at a retail, or otherwise dispose of any tobacco in any form unless a license therefore shall first be obtained from the City.

### **Subd. 3. Restrictions.**

A. Separate licenses shall be issued for the sale of tobacco at each fixed place of business, and no license shall be issued for a movable place of business.

B. It is unlawful for any person to sell or give away any tobacco in any form to any person under the age of eighteen (18) years.

*Source: City Code  
Effective Date: 1/1/1991*

*(Sections 6.24 through 6.98, inclusive, reserved for future expansion.)*

**Section 6.99. Violation a Misdemeanor.** Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs and act thereby prohibited or declared unlawful, or fails to act when such 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.

*Source: City Code  
Effective Date: 1/1/1991*