

SUB-ANALYSIS

Title

CHAPTER 6

OTHER BUSINESS REGULATION AND LICENSING

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CHAPTER 6
OTHER BUSINESS REGULATION AND LICENSING

SEC. 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 or her 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.

SEC. 6.02. APPLICATIONS. All applications shall be made as follows:

Subd. 1. All applications shall be made at the office of the City Administrator 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 an automatic refusal of license, or if already issued, shall render any license or permit issued pursuant thereto, void, and of no effect to protect the applicant from prosecution for violation of this Chapter, or any part hereof.

Subd. 4. The City Administrator 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. For such investigation the City Administrator may enlist the aid of peace officers. 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.

SEC. 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. Failure to pay any portion of a fee when due shall be cause for revocation. No license fee shall be refundable upon revocation or voluntarily ceasing to carry on the licensed activity. All applications, including proposed license periods, must be consistent with this Chapter.

Subd. 2. Issuing. If an application is approved, the City Administrator 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 1/12th for each calendar month or part thereof remaining in the then current license year. Provided, that for licenses where the fee is less than \$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 not be transferable.

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 Administrator, without action by the Council, upon licensee's affidavit that the original has been lost, and upon payment of a fee in an amount adopted by resolution of the Council for issuance of the duplicate. All duplicate licenses shall be clearly marked DUPLICATE.

Source: City Code
Effective Date: 7-1-90

SEC. 6.04. FIXING LICENSE FEES. The Council may charge a fee for any license which the City issues and, 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 Administrator, and open to inspection during regular business hours. For the purpose of fixing such fees, 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.

Source: Ordinance No. 37, Second Series
Effective Date: 6-25-98

SEC. 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.

SEC. 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, without a license, for any business for which a license is required by this Chapter.

SEC. 6.07. RESPONSIBILITY OF LICENSEE.

Subd. 1. 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 therefor, shall be deemed the conduct of the licensee.

Subd. 2. All licensees, additionally, have the duty to permit at reasonable times inspection of his business and examination of his books and records by authorized officers or employees; to comply with laws, City Code provisions and regulations applicable to the licensed business, activity or property; to display the license or other insignia given him in evidence of the license in a conspicuous place on the premises, vehicle, or device to which the license relates, or if the license is not so related, to carry it on his person at all times; and all licensees are restrained from giving or lending any other person his license or license insignia.

SEC. 6.08. CONDITIONAL LICENSES. Notwithstanding any provision of law to the contrary, the Council may, upon a finding of the necessity therefor, place such conditions and restrictions upon a license as it, in its discretion, may deem reasonable and justified.

SEC. 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.

SEC. 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 Administrator 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 Administrator. Cancellation or termination of such coverage shall be grounds for license revocation.

SEC. 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 provisions of this Chapter, the Council has reserved to itself the right to fix or approve fees, rates or charges of a licensed or regulated business, such rates shall be uniform for each category or class of service, and no licensee 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 therefor. 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.

SEC. 6.12. WORKER'S COMPENSATION. No license to operate a business shall be issued by the City until the applicant presents acceptable evidence of compliance with the worker's compensation insurance coverage requirement of Minnesota Statutes by providing the name of the insurance company, the policy number, and dates of coverage, or the permit to self-insure.

Source: City Code
Effective Date: 7-1-90

SEC. 6.13. ACTION TO TERMINATE BUSINESS OPERATING IN VIOLATION OF LICENSING OR ZONING REGULATIONS.

Subd. 1. Violations Cause For Termination. Any business operating in violation of licensing or zoning regulations for a particular location at the time the business was established may be closed by resolution of the Council.

Subd. 2. Determination of Violation. Prior to ordering the closing of a business believed to be in violation of licensing or zoning regulations, the business owner is entitled to a full hearing before the Council. The Council shall serve a written request therefor upon the business owner at least fourteen (14) days prior to any regular Council meeting. Such notice shall contain a general statement setting forth the facts of the violation and the scheduled Council meeting date during which the matter will be heard. At such hearing the business owner may present any evidence he/she deems pertinent to the determination, but the City shall not be required to keep a verbatim record of the proceedings. The Mayor, or other officer presiding at the hearing, may, in the interest of justice or to comply with time requirements, adjourn the hearing to a more convenient time or place, but such time or place shall be fixed and determined before adjournment so as to avoid the necessity for formal notice of reconvening.

Subd. 3. Findings. Upon the conclusion of evidentiary presentations, the Council shall make findings that no violation exists, or adopt a resolution stating the particular findings to establish the existence of violations.

Subd. 4. Termination of Business Operations. Five (5) business days following written notice mailed to the business owner, the Zoning Administrator or other designated official shall cause the business to be closed, subject only to the business owner's right to remove or relocate business property.

Source: Ordinance No. 37, Second Series

Effective Date: 6-25-98

(Sections 6.14 through 6.29, inclusive, reserved for future expansion.)

SEC. 6.30. 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.

E. “Distributor” - The person who places amusement devices on premises not owned by him or under his control, which devices may be played by the public generally for a price paid either directly or indirectly.

F. “Arcade” - A contiguous area in which more than six (6) amusement devices are kept for use by the public generally.

Subd. 2. License Required. It is unlawful for any person to have upon premises owned or controlled by him (1) any amusement device, or (2) operate an arcade, without a license therefor from the City. It is unlawful for any person to be a distributor without a license therefor 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.

SEC. 6.31. 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, of an admission fee or price for dancing.

C. Provided, that nothing in this Section shall apply to dances held in the public school system.

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

Subd. 3. 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 issued 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. It shall be the responsibility of the licensee to employ at least one officer of the law employed by the Goodhue County Sheriff’s Department to be present at every public dance during the entire time said dance is being held.

6.31, Subd. 3.G.

G. The dance license shall be posted in the public dancing place and shall state the name of the licensee, the amount paid therefor, 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. 4. 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. 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.

C. 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.

SEC. 6.32. 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, or any other substance intended for use with electronic cigarettes or similar devices regardless of whether containing tobacco leaf, including, but not limited to, juices or oils, or other kinds of forms of tobacco or other substance prepared in a manner to be suitable for chewing, sniffing, vaping, or smoking in a pipe or rolling paper.

Subd. 2. License Required. It is unlawful for any person, directly or indirectly, to keep for retail sale, sell or otherwise dispose of any tobacco in any manner without first obtaining a license from the City. An application for a license to sell tobacco shall be made on a form provided by the City, and shall include the full name of the applicant, the contact information for the proposed license holder, and the business location for which the license is sought, along with the required application fee. Licenses shall be for a term of one (1) year.

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.

6.32, Subd. 3.C.

C. The lighting, inhaling, exhaling or combination thereof of tobacco in a tobacco products shop as defined in Minnesota Statutes, Section 144.4167, Subd. 4, is hereby prohibited.

Subd. 4. Penalty/Civil Enforcement. Anyone who violates this section shall be guilty of a misdemeanor. In addition, the City may impose civil penalties, license suspension, or revocation to the full extent permitted by applicable law. Upon the occurrence of a suspected violation, the City's public safety department shall inform the city clerk of the suspected violation and the license holder shall be given a written notice of violation. Prior to the imposition of monetary penalties or other remedy, the license holder shall be afforded the right to a hearing before the city council. Imposition of a civil penalty, or license suspension or revocation, or combination thereof under this section does not preclude criminal prosecution.

(Section 6.32 Amended 4-21-15, Ord. 129)

(04-21-15)

SEC. 6.33. SOLICITORS.

Subd. 1. Purpose. This Section is not intended to in any way hinder, delay or interfere with legitimate business or organizational activities. The Council finds, however, that solicitors have used public streets and their direct contact with residents of the City for the illegitimate solicitation practices of harassment, nuisance, theft, deceit, or menacing, troublesome or unlawful activities. This Section is intended to ferret out and control: (1) businesses and organizations using solicitation as a means of concealing unlawful activities; and, (2) businesses and organizations which, though its activities be lawful or even commendable, use such illegitimate practices in solicitation; and, (3) individual natural persons who, though they represent lawful businesses and organizations, use such illegitimate solicitation practices. The Council further finds that a large number of the residents of the City are employed as their livelihood and means of support by manufacturing plants and other businesses on shifts rotating between night and day, and to disturb them during their sleeping hours for the purpose of solicitation is a source of nuisance or even harassment and should be subject to control.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. “Solicitor” means any person making the solicitation, including such common terms as “peddler”, “transient merchant” and canvasser”.

B. “Solicitee” means the person solicited.

C. “Goods” means any tangible thing of value including money if the selling price exceeds the face value thereof. The term includes such chattels as are furnished or used at the time of sale or subsequently in the modernization, rehabilitation, repair, alteration, improvement or construction of real property so as to become a part thereof whether or not severable therefrom.

D. “Services” means work, labor, or services of any kind.

E. “Established place” means real estate in the City owned, leased on a month-to-month or term-certain longer than thirty (30) days. The term includes a booth, compartment, or area leased or assigned during and for the length of an event or occasion.

F. “Business solicitation” means an attempt by a solicitor, engaging in transactions of the same kind, to sell or distribute for a consideration any goods or services primarily for personal, family, or household purposes, when either the solicitor or person acting for him contacts the solicitee by telephone or in person, other than at the established place of business of solicitor, except: (1) an attempted solicitation in which the solicitee personally knows the identity of the solicitor, the name of the business firm or organization he represents, and the identity or kinds of goods, services or things of value offered; or, (2) an attempted solicitation in which the solicitee has first initiated the contact with the solicitor; or, (3) an attempted solicitation of a newspaper subscription in which the solicitor is a minor child engaged in both the delivery and sale of the newspaper; or, (4) an attempted solicitation for the sale of products of a farm or garden occupied or cultivated by the solicitor, when facts of such occupancy or cultivation are proven by the solicitor.

G. “**Contribution solicitation**” means an attempt by a solicitor to obtain money from a solicitee for any cause or purpose, when either the solicitor or person acting for him contacts the solicitee by telephone or in person other than at the established place of meeting, business, service, or activity of the organization represented by the solicitor, except: (1) an attempted solicitation in which the solicitee personally knows the identity of the solicitor, the name of the organization he represents, and the identity of the services performed or offered by the organization, or, (2) an attempted solicitation in which the solicitee has first initiated the contact with the solicitor or the organization represented by him.

Subd. 3. Prohibited Solicitation Practices.

A. It is unlawful for any solicitor to engage in solicitation for any unlawful business or organizational purpose or activity.

B. It is unlawful for any solicitor to practice harassment, nuisance, theft, deceit, or menacing, troublesome or otherwise unlawful activities during the course of solicitation.

C. It is unlawful for any solicitor to enter, or attempt to gain entrance, to residential premises displaying at such entrance a sign at least 3-3/4 inches long and 3-3/4 inches high with the words “Peddlers and Solicitors Prohibited” or “Solicitors Prohibited” in type not smaller than 48 point.

D. It is unlawful for any solicitor to refuse to leave business premises when requested by the owner, lessee, or person in charge thereof.

E. It is unlawful for any person to engage in contribution solicitation without completion of licensing or registration as herein provided.

F. It is unlawful for any person to engage in business solicitation without a license as herein provided.

Source: City Code Effective Date: 7-1-90

G. It is unlawful for any solicitor except for an authorized manufacturer’s representative to offer for sale any of the following items:

1. Infant formula or other food intended primarily for consumption by a child under the age of two years;
2. Over-the-counter drugs, medical devices and cosmetics.

Source: Ordinance No. 37, Second Series

Effective Date: 6-25-98

Subd. 4. Application. Applications for licensing or registration shall contain the name and address of the solicitor, the name and address of the business or organization for which solicitations are sought and such other information as may reasonably be required by the Council as a condition to registration or licensing or to permit investigation into the applicant’s background and past solicitation practices. No application for a business solicitor’s license shall be complete unless it is accompanied by a valid and current license issued by the County in which such solicitor proposes to engage in solicitation.

Subd. 5. Investigation, Approval or Disapproval.

A. All applications for licensing or registration shall be immediately referred to a peace officer, and by him or other person acting in his stead, investigated as to the truth thereof. The peace officer shall have five (5) business days within which to investigate and make a recommendation thereon.

B. If he finds no past history of the applicant indicating violations similar to those declared unlawful in this Section he shall recommend issuing a license or approving registration, as the case may be, and the City Administrator shall forthwith advise the applicant. The City Administrator shall issue a license, upon payment of the fee therefor, to the approved applicant for business solicitation, and shall approve the completion of registration by the applicant for a contribution solicitor.

C. If the peace officer finds a past history of the applicant indicating violations similar to those declared unlawful in this Section, he shall recommend denial of the license or registration. In all matters of recommended denial the applicant shall be forthwith advised thereof, and the application shall be referred to the Council and considered by it at its next regular or special meeting occurring more than ten (10) days thereafter. The applicant shall be afforded an opportunity to be heard at such meeting.

Subd. 6. Duration of Contribution Solicitation Registration. Registration of contribution solicitation shall expire sixty (60) days after registration is approved.

Subd. 7. Exclusions. The City may exclude certain classes of solicitor events from compliance with licensing or registration provisions of this Section. Provided, however, that such exclusion shall not extend to the prohibited solicitation practices set forth in Subdivision 3, Subparagraphs A through D, inclusive, of this Section.

SEC. 6.34. SOLID WASTE COLLECTION HAULERS. (Repealed and replaced, Ord. No. 119, Second Series, 01-23-2013)

Subd. 1. Purpose. The purpose of this Section is to regulate the disposal and hauling of solid waste as authorized by Minnesota Statutes, section 412.221, subd. 22(a)(3), and provide for the licensing of solid waste haulers as required by Minnesota Statutes, Section 115A.93.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. “Solid Waste” means garbage, rubbish, refuse, sludge from water treatment facilities or air contaminant treatment facilities, and discarded waste materials and sludges, in solid, semi-solid, liquid or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities. The term does not include hazardous waste, animal waste used as fertilizer, earthen fill, boulders, rock, sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluent or discharges subject to permits under Section 402 of the Federal Water Pollution Act, as amended.

B. “Garbage” means only organic waste resulting from the preparation of food and decayed and spoiled food from any source.

C. “Rubbish” means inorganic waste materials such as tin cans, glass, paper, cardboard, ashes, sweepings, yard clippings bagged leaves not exceeding sixty (60) pounds per bag, brush not exceeding four (4) feet in length, securely bundled and no bulkier than one man can handle, and old Christmas trees.

D. “Refuse” includes both garbage and rubbish.

E. “Recyclable Materials” means newspaper print, glass, aluminum and bi-metal cans, plastic, cardboard and other materials as mutually agreed upon the City and the licensee.

F. “License” means an annual approval issued by the City authorizing the collection of solid waste for hire in the City during the licensed year, and establishing such conditions on solid waste collection activities as may further the public health, safety and welfare.

Subd. 3. License Required. It is unlawful for any person to haul solid waste for hire without a license therefore from the City. The license shall be established in the City’s annual rate schedule.

Subd. 4. Number of Licenses. The Council may license one or more persons to provide solid waste collection services under this Section; provided, however, that the Council may, in the exercise of its police power, limit the number of licensees to provide adequate service to the residents, minimize the damage to the streets and alleys, and otherwise further the public health, safety and welfare

Subd. 5 Collections. The licensee shall make weekly collections throughout the business district and residential areas, and make service available to all inhabitants who are required to use collection services pursuant to this Section. The City may, in consultation with licensees, establish a schedule for collections.

Subd. 6. Equipment. The licensee shall use proper and suitable equipment for hauling, and transporting refuse hereunder, which shall consist of leakproof, enclosed collection vehicles. Each license applicant shall provide proof that its collection vehicles have passed the required safety inspections administered by the Department of Transportation of the State of Minnesota, shall maintain such vehicles in accordance with applicable safety requirements at all times during the term of the license.

Subd. 7. Dumping. The licensee shall dispose of all collected solid waste at solid waste disposal facilities duly licensed and authorized by the State of Minnesota, Goodhue or Olmsted County, or other applicable Minnesota agency.

Subd. 8. Insurance and Bond. Each licensee shall provide liability insurance on all vehicles in at least the sum of \$300,000.00 for the injury of one person, \$500,000 for the injury of two or more persons in the same accident, and at least \$100,000/300,000 for property damages. The City shall be named as an additional insured. The policy shall require at least 30 days prior written notice of cancellation to the City. Each licensee shall submit a certificate of insurance evidencing the required coverages within ten days of the City's issuance of a license. In addition, each licensee shall submit to the City a surety bond in the sum of \$1,000.00 within ten days of the City's issuance of the licens. Such bond shall be conditioned upon strict compliance with all provisions and requirements of this Section, and all applicable solid waste hauling and disposal laws, rules and regulations.

Subd. 9. License Application. Each license applicant must submit an application to the City including the following information:

- (a) the name and address of the application;
- (b) the number of vehicles proposed to be used;
- (c) the applicant's current rates available to customers in the City; and
- (d) the applicant's proposed customer rates for the upcoming license year.

Subd. 10. Rates and Charges. Each licensee shall establish solid waste collection rates and charges that increase with the volume or weight of the waste collected and rates or charges not based on volume or weight of the waste collected are prohibited. The licensee shall not charge any user of his solid waste collection service more than the charges submitted to the City. A licensee shall notify the City in writing of any change in rates no less than 14 days prior to the effective date of such change.

Subd. 11. Licensee to Comply. The licensee shall comply with any local, State or Federal rules, regulations or statutes governing the conduct of persons engaged in the business of solid waste and refuse collection and hauling.

Subd. 12. Recyclable Material Pickup. Each licensee shall provide to its customers a service for the collection of recyclable materials regularly each month, not more frequently than every other week except during holidays or in other unusual scheduling circumstances, at site where the licensee normally picks up the customer's other solid waste, and on such schedule as may be established by the City.

SEC. 6.35. PAWNBROKERS.

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

1. **“Pawnbroker”** means a person engaged in whole or in part in the business of lending money on the security of pledged goods left in pawn, or in the business of purchasing tangible personal property to be left in pawn on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

2. **“Pawnshop”** means the location at which or premises in which a pawnbroker regularly conducts business.

3. **“Pawn Transaction”** means any loan on the security of pledged goods or any purchase of pledged goods on the condition that the pledged goods are left with the pawnbroker and may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

4. **“Pledged Goods”** means tangible personal property other than a chose in action, securities, bank drafts, or printed evidence of indebtedness, that are purchased by, deposited with, or otherwise actually delivered into the possession of a pawnbroker in connection with a pawn transaction.

Subd. 2. License Required.

A. It is unlawful for any person to engage in the business as a pawnbroker unless the person has a valid license authorizing engagement in the business. Any pawn transaction made without benefit of a license is void.

B. A separate license is required for each place of business. The City may issue more than one license to a person if that person complies with this Section for each license.

C. No expiration, revocation, suspension, or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the licensee and any pledger.

D. The Chief of Police shall be notified by the City of any licensee whose license has expired or been surrendered, suspended, or revoked as provided by this Section.

Subd. 3. Persons Disqualified. No license under this Section may be issued or renewed to a person who (a) is a minor; (b) has been convicted of any crime related to the occupation of pawnbroker; or (c) is not of good moral character or repute.

Subd. 4. Unemployment Clearance Required. No license shall be granted, transferred, or renewed and shall be revoked if the Commissioner notifies the City that the licensee owes the State delinquent unemployment insurance contributions, reimbursements, or benefit overpayments.

Subd. 5. Change in Ownership. Any change, directly or beneficially, in the ownership of any licensed pawnshop shall require the application for a new license and the new owner must satisfy all current eligibility requirements.

Subd. 6. Pawn Tickets.

A. Entries of Pawn Tickets. At the time of making the pawn or purchase transaction, the pawnbroker shall immediately and legibly record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the City:

1. A complete and accurate description of the property, including model and serial number if indicated on the property;
2. The full name, residence address, residence telephone number, and date of birth of the pledger or seller;
3. The date and time of pawn or purchase transaction;
4. The identification number and State of issue from one of the following forms of identification of the seller or pledger: current valid Minnesota driver's license; current valid Minnesota identification card; or current valid photo identification card issued by another State or Province of Canada;
5. Description of the pledger including approximate height, sex, and race;
6. Amount advanced or paid;
7. The maturity date of the pawn transaction and the amount due; and
8. The monthly and annual interest rates, including all pawn fees and charges.

B. Printed Pawn Ticket. The following shall be printed on all pawn tickets:

1. The statement that "Any personal property pledged to a pawnbroker within this State is subject to sale or disposal when there has been no payment made on the account for a period of not less than 60 days past the date of the pawn transaction, renewal, or extension; no further notice is necessary. There is no obligation for the pledger to redeem pledged goods.";
2. The statement that "The pledger of this item attests that it is not stolen, it has no liens or encumbrances against it, and the pledger has the right to sell or pawn the item.";

3. The statement that “This item is redeemable only by the pledger to whom the receipt was issued, or any person identified in a written and notarized authorization to redeem the property identified in the receipt, or a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger. Written authorization for release of property to persons other than the original pledger must be maintained along with the original transaction record; and

4. A blank line for the pledger’s signature.

Subd. 7. Records; Retention.

A. The pledger or seller shall sign a pawn ticket and receive an exact copy of the pawn ticket.

B. The pawnbroker shall maintain on the premises a record of all transactions of pledged or purchased goods for a period of three years. These records shall be a correct copy of the entries made of the pawn transactions. A pawnbroker shall upon request provide to the appropriate law enforcement agency a complete record of pawn items.

Subd. 8. Effect of Non-Redemption.

A. A pledger shall have no obligation to redeem pledged goods or make any payment on a pawn transaction. Pledged goods not redeemed within at least 60 days of the date of the pawn transaction, renewal, or extension shall automatically be forfeited to the pawnbroker, and qualified right, title, and interest in and to the goods shall automatically vest in the pawnbroker.

B. The pawnbroker’s right, title, and interest in the pledged goods under this Subdivision is qualified only by the pledger’s right, while the pledged goods remain in possession of the pawnbroker and not sold to a third party, to redeem the goods by paying the loan plus fees and/or interest accrued up the date of redemption.

C. A pawn transaction that involves holding only the title to property is subject to Minnesota Statutes, Chapter 168A or 336.

Subd. 9. Permitted Charges.

A. A pawnbroker may contract for and receive a pawnshop charge not to exceed 3% per month of the principal amount advanced in the pawn transaction plus a reasonable fee for storage and services. A fee for storage and services may not exceed \$20.00 if the property is not in the possession of the pawnbroker.

B. The pawnshop charge allowed under this Subdivision shall be deemed earned, due, and owing as of the date of the pawn transaction and a like sum shall be deemed earned, due, and owing on the same day of the succeeding month. However, if full payment is made more than two weeks before the next succeeding date the pawnbroker shall remit one-half of the pawnshop charge for that month to the pledger.

6.35, Subd. 9.C.

C. Interest shall not be deducted in advance, nor shall any loan be divided or split so as to yield greater interest or fees than would be permitted upon a single, consolidated loan or for otherwise evading any provisions of this Section.

D. Any interest, charge, or fees contracted for or received, directly or indirectly, in excess of the amount permitted under this Section, shall be uncollectible and the pawn transaction shall be void.

E. A schedule of charges permitted by this Section shall be posted on the pawnshop premises in a place clearly visible to the general public.

Subd. 10. Records; Prohibitions. A pawnbroker and any clerk, agent, or employee of a pawnbroker shall not:

A. Make any false entry in the records of pawn transactions;

B. Falsify, obliterate, destroy, or remove from the place of business the records, books, or accounts relating to the licensee's pawn transactions;

C. Refuse to allow the appropriate law enforcement agency, the Attorney General, or any other duly authorized State or Federal law enforcement officer to inspect the pawn records or any pawn goods in the person's possession during the ordinary hours of business or other times acceptable to both parties;

D. Fail to maintain a record of each pawn transaction for three years;

E. Accept a pledge or purchase property from a person under the age of 18 years;

F. Make any agreement requiring the personal liability of a pledger or seller, or waiving any provision of this Section, or providing for a maturity date less than one month after the date of the pawn transaction;

G. Fail to return pledged goods to a pledger or seller, or provide compensation as set forth in State Statutes, upon payment of the full amount due the pawnbroker unless either the date of redemption is more than 60 days past the date of the pawn transaction, renewal, or extension and the pawnbroker has sold the pledged goods pursuant to State Statutes, or the pledged goods have been taken into custody by a Court or a law enforcement officer or agency;

H. Sell or lease, or agree to sell or lease, pledged or purchased goods back to the pledgor or seller in the same, or a related, transaction;

I. Sell or otherwise charge for insurance in connection with a pawn transaction; or

J. Remove pledged goods from the pawnshop premises or other storage place approved by the City at any time before unredeemed, pledged goods are sold pursuant to Statute.

Subd. 11. Redemption; Risk of Loss. Any person to whom the receipt for pledged goods was issued, or any person identified in a written and notarized authorization to redeem the pledged goods identified in the receipt, or any person identified in writing by the pledgor at the time of the initial transaction and signed by the pledgor shall be entitled to redeem or repurchase the pledged goods described on the ticket. In the event the goods are lost or damaged while in possession of the pawnbroker, the pawnbroker shall compensate the pledger, in cash or replacement goods acceptable to the pledger, for the fair market value of the lost or damaged goods. Proof of compensation shall be a defense to any prosecution or civil action.

Subd. 12. Motor Vehicle Title Pawn Transactions; Special Provisions.

A. In addition to the other requirements of this Section, a pawnbroker who holds a title to a motor vehicle as part of a pawn transaction shall:

1. Be licensed as a used motor vehicle dealer under Minnesota Statutes, Chapter 168, and post such license on the pawnshop premises;
2. Verify that there are no liens or encumbrances against the motor vehicle with the Department of Public Safety; and
3. Verify that the pledger has automobile insurance on the motor vehicle as required by law.

B. A pawnbroker may not sell a motor vehicle covered by a pawn transaction until 90 days after recovery of the motor vehicle.

Subd. 13. Transition. Pawnbrokers that are already in business on the effective date of this Section, must apply for a license and pay the required fee within six months.

Subd. 14. Violation. A violation of this Section is a misdemeanor.

SEC. 6.36. FIREWORKS DISPLAY OPERATORS.

Subd. 1. It is unlawful for any fireworks display operator to fail to deposit a copy of his/her State certification with the City Administrator.

Subd. 2. Any organization providing a fireworks display shall submit to the City Administrator proof of insurance coverage of at least \$750,000.00 for bodily injury for any one person in any one occurrence, in the amount of \$750,000.00 because of bodily injury to two or more persons in any one occurrence, and in the amount of \$750,000.00 because of destruction of property of others in any one occurrence.

SEC. 6.37. PROFESSIONAL DANCER LICENSE.

Subd. 1. Definition. As used in this Section, the term “professional dancer” means any person performing any dance, act or other performance on the premises of a beer, liquor or wine licensee under this Chapter, whether such person is an employee of the licensee or under contract to perform.

Subd. 2. License Required. It is unlawful for any professional dancer to perform without a license therefor from the City.

Subd. 3. Professional Dancer License Restrictions. It is unlawful for any professional dancer to perform in an obscene manner or in a manner otherwise prohibited by the City Code, or any other law.

Subd. 4. Application. All applications shall be made at the office of the City Clerk-Treasurer upon forms prescribed by the City Clerk-Treasurer. No professional dancer shall be issued a license under this Section until the application therefor has been referred to the Chief of Police and the Chief of Police has had a reasonable opportunity to investigate the applicant and the statements contained in the application.

Subd. 5. Refusal, Revocation or Suspension. The Council may refuse, revoke or suspend any license provided for in this Chapter upon the finding of a violation of this Section. No professional dance license shall be issued to a person of questionable moral character or who has, within the preceding five (5) years, been convicted of any violation of any law, including a City ordinance. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing before the Council.

Subd. 6. Prosecution for Obscene Dancing. Any prosecution for obscene dancing under this Section shall include the following elements: (1) that the average person, applying contemporary community standards, would find the performance, taken as a whole, appealing to the prurient interest of the audience; (2) that the performance describes or depicts, in a patently offensive way, sexual conduct included in the definition of “obscene performance”; and (3) that the performance, taken as a whole, lacks serious literary, artistic, political or scientific value.

Source: Ordinance No. 37, Second Series

Effective Date: 6-25-98

(Sections 6.38 through 6.98, inclusive, reserved for future expansion.)

SEC. 6.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an 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: 7-1-90