

CHAPTER V.

BUSINESS REGULATIONS AND LICENSES

Section 500 - General Provision for Issuance of Licenses and Permits.

Section 500:00. Application of Regulations.

Subd. 1. Compliance Required. It shall be unlawful for any person either directly or indirectly to engage in any business, or to use in connection therewith any vehicle, premises, machine or device, in whole or in part, for which a license or permit is required by any provision of this chapter or any other law or ordinance of this municipality, without a license or permit therefore being first procured and kept in effect at all times as required by any such provision of this chapter or any other law or ordinance of this municipality.

Subd. 2. One Act Constitutes Doing Business. For the purpose of this chapter any person shall be deemed to be engaged in any business for which a license or permit is required, and thus subject to the requirements of this chapter when he does one act of:

- (a) selling any goods or service for which a license is required.
- (b) soliciting such business or offering such goods or services for sale or hire.
- (c) acquiring or using a vehicle or any premises in this municipality for such business purposes.

Subd. 3. Agents Responsible for Obtaining License. The agents or other representatives of nonresidents who are doing business in this municipality shall be personally responsible for the compliance with the provisions of this chapter by their principals and of the businesses they represent.

Subd. 4. Separate License for Branch Establishments. A license shall be obtained in the manner prescribed herein for each branch establishment or location of the business engaged in, as if each such branch establishment or location were a separate business; provided that warehouses and distributing plants used in connection with and incidental to a business licensed under any provision of this chapter shall not be deemed to be a separate place of business or branch establishment.

Subd. 5. No License Required for Mere Delivery. No license shall be required of any person for any mere delivery in this municipality of any property purchased or acquired in good faith from such person at his regular place of business outside the corporate limits where no intent by such person is shown to exist to evade the provisions of this chapter.

Section 500:02.       Application for Licenses.

Subd. 1.       Every person required to procure any permit, license or transfer under the provisions of this chapter or any other law or ordinance of this municipality shall submit an application for such license to the clerk in writing. The application shall conform to the following subdivisions.

Subd. 2.       Be a written statement upon forms provided by the clerk, such form to include an affidavit to be sworn to by the applicant before a person authorized to administer an oath.

Subd. 3.       Contain all information necessary to comply with the subdivision of this chapter under which the license is required and any other information required by such application.

Subd. 4.       Contain, in addition to all other matters required by ordinance or by law to be shown, set forth the following facts:

- (a)   Name and address of applicant.
- (b)   Purpose for which license or a permit is asked.
- (c)   As to license any occupation or permit the doing of any act, the place within the corporate limits where such occupation or act is to be carried on or done.
- (d)   The length of time such licenses or permits is to cover.

Subd. 5.       All questions on the application blank must be answered and all information required must be finished. Any application for license made by an individual owner shall be signed and sworn to by such owners; if made by a partnership, it shall be signed and sworn to by one of the partners; and if a corporation, by one of the duly elected officials of the corporation.

Section 500:04.       Fees, Bond and Insurance.   Every applicant for any permit, or license or transfer of a license to be issued or granted by this municipality at the time of filing such application shall pay the full amount of the permit fee, license fee, or transfer fee required by this code and other ordinances of this municipality, and shall file the application, any bond, or insurance policy, or certificate therefore, and certified copy of the state license, if such are required for such license.

Section 500:06.       Fees.   Except as otherwise specifically stated in the regulations for specific licenses or permits, the fees for various licenses, permits and transfers shall be as fixed or estimated in Chapter VI of this code or as otherwise provided in the Fees Ordinances adopted hereafter.

Section 500:08. No Split Fee. The fee for each license issued shall be the full amount provided in this code or other ordinance of this municipality and no reduction in the amount of this fee shall be made because part of the license year has elapsed prior to the date the license is issued, unless specifically stated.

Section 500:10. Permit Fee Doubled. Should any person, firm, or corporation begin doing business, or perform an act, or have in possession an object, thing or animal for which a permit is required, without having secured the necessary permit therefore, either previous to or during the day of the commencement of any such work, act, or possession, or on the next succeeding day when such work, action, or possession is commenced on a Saturday afternoon, or on a Sunday or a holiday, he shall when subsequently securing such permit be required to pay double the fee provided for such permit, and shall be subject to all the penal provisions of this code or ordinances of this municipality.

Section 500:12. License Bonds. If the provisions under which any license is to be issued to require the licensee to furnish a bond, such bond shall be duly executed by the licensee and the corporate surety, and shall be furnished to the clerk at the time the application is filed or as soon thereafter as the clerk shall request. Such bond shall be in such amount and with such penalty provisions as shall be required by said provision and shall be approved as to form, execution, surety and amount by the clerk. Such bonds may be in form as to terminate with the annual license period or may be in form so as to provide for automatic renewal in the event the license is renewed.

Section 500:14. Procedure for Issuance of Licenses. On receipt of an application for any license the clerk shall transmit the same together with license bond and copy of receipt for license fee to the Chief of Police or other department responsible therefor, who shall cause investigation to be made of the qualifications of the applicant and the clerk shall determine whether the applicant has complied with all requirements of the ordinance under which the license is to be issued and which requirements are prerequisites to the issuance of the license. Unless the subdivision of the ordinance pursuant to which the license is to be issued requires issuance of the license by the council, the clerk shall issue such license upon determination that such prerequisites have been complied with, but he shall have determined that such prerequisites have not been complied with he shall deny the application for issuance of the license. If any ordinance shall require issuance of a license by the council, the clerk shall refer the application, together with a report of the investigation and determination with respect to the applicant and his compliance with the said requirements of the ordinance, to the council. The council shall there upon consider said report and findings and may grant or deny the license. The applicant for any license which has been denied by the clerk may appeal the decision of the clerk to the council by filing with the clerk within 10 days after receipt of notice of such denial a request for review by the council of such determination by the clerk. The clerk shall thereupon refer said request to the council at its next regular meeting, at which time the council shall hear the applicant and review the determination of the clerk and may grant or deny such license.

Upon determination of the council that a license shall be issued such determination shall be transmitted to the clerk who shall issue the license certificate in duplicate under the seal of this municipality and deliver one copy to the applicant and retain the other in the license book as a part of the records of the municipality.

Section 500:16.       Certified Copies.       Such record or certified copy thereof shall be prima facie evidence to the person therein named.

Section 500:18.       Unlawful Licenses.       Any license or permit issued in any other manner than that herein prescribed shall be of no effect.

Section 500:20.       Contents of License.       Each license issued under this chapter shall state upon its face the following:

- (a)     Name of the licensee and any other name under which such business shall be conducted.
- (b)     The name and address of each business so licensed.
- (c)     The amount of license fee.
- (d)     The dates of issuance and expiration thereof.
- (e)     Such other information as the clerk or council shall determine.

Section 500:22.       License.       All permits, licenses or transfer issued under the provisions of this chapter shall terminate on the first day of July of each year unless a different termination date with respect to specific licenses shall be specifically provided in this code with respect to such permit, license or transfer, unless sooner revoked or determined by due authority of law. All licenses issued for a specific number of days shall expire as therein specified. All licenses in effect on the effective date of this code of ordinances which licenses would expire prior to July 1, 1975 are automatically extended for the period ending July 1, 1975, with the exception of licenses issued for a specific number of days, which shall expire at the end of the term as therein specified.

Section 500:24.       Renewal License Procedure.       Applications for renewal of any license shall be made to the clerk on forms provided by him, and shall contain any information required for renewal of the license by the subdivision of this chapter under which the license is to be issued, and such additional information as the clerk or council shall require.

Section 500:26.       Duplicate and Replacement License Procedure.       A duplicate license, certificate or tag shall be issued by the clerk to replace any license certificate or tag previously issued which has been lost, stolen, defaced or destroyed, without any willful conduct on the part of the licensee, upon the filing by the licensee of an affidavit attesting to such fact and paying to the clerk the required fee.

Section 500:28.       No rebate or refund of any license fee of part thereof shall be made by reason of non-use of such license, or by reason of change in location or business rendering the use of such license ineffective, provided that the clerk shall have authority to refund a license fee collected through an error, or in cases where the application is denied by the clerk or the council.

Section 500:30.        Duties of Licensee.

Subd. 1.        Compliance Required.        Every licensee and permittee under any provision of this chapter or other ordinances of this municipality shall have the duties set forth in the subdivisions which follow.

Subd. 2.        Permit Inspection.        Permit all reasonable inspections of his business and examinations of his books and records by such authorities so authorized by law.

Subd 3.        Comply With Governing Law.        Ascertain and at all times comply with all laws, ordinances, and regulations applicable to such business.

Subd 4.        Cease Business.        Refrain from operating the licensed business after expiration of his license and during the period his license is revoked or suspended.

Subd 5.        License Displayed.        All licenses, tags, plates, or other method of identification authorized by this chapter or other ordinances of the city shall be kept on display at a conspicuous place on the licensed premises, vehicle, or device, or where neither premises, vehicle or device are licensed, on the person of the licensee, or at his place of business.

Subd. 6.        Unlawful Possession.        Not loan, sell, give, or assigned, to any other person, or to allow any other person to use or display or have in his possession any license or insignia which has been issued to such licensee.

Subd. 7.        Pay Taxes.        Pay prior to date penalty attaches for non-payment all special assessments and real property taxes levied against real property owned by the licensee and used in the licensed business.

Subd. 8.        Inspections.        All persons licensed hereunder are subject to proper periodic inspections, so far as to give the police officers and other duly authorized inspectors the right and power at all times to enter upon their premises for the purpose of ascertaining the manner in which the business is being conducted.

Section 500:32.        Change of Location of Licensed Premises.        A licensee or permittee shall not have the right to change the location of the licensed premises except upon the approval of the clerk if the license shall be issued by him, or upon the approval of the council if the license shall be issued by the council. Application for such removal shall be made in writing in such form as shall be prescribed by the clerk and shall be accompanied by the removal fee.

Section 500:34.        Transfer of Licenses.        No licensee shall have the right to transfer his license to any other person unless specifically authorized by this chapter or pursuant to the specific provisions under which the license was issued.

Section 500:36.      Enforcement.

Subd. 1.      Inspections.      It shall be the duty of the health officer to inspect all premises licensed hereunder for the purpose of determining any violation of the law relating to health. It shall be the duty of the police officers to inspect and examine all premises, businesses and enterprises subject to license, or which have been licensed by this municipality, and the clerk shall have the right to direct the health officer, any police officer, or any other appropriate officer to make such inspections at all reasonable times.

Subd. 2.      Sealing of Unlicensed, Defective or Unsafe Machines or Devices and Affixing License Insignia.      Any food vending machines, cigarette vending machine, pinball machine, children's amusement device, mechanical amusement device, or other amusement device which is defective or unsafe, or which is licensed and has no license tag or other license insignia affixed as required by the law, or is required to be licensed and such machine or device is not currently licensed, may be sealed by a tape or wire to prevent its continued use. The tape or tag attached to the seal shall state that the machine or device is not to be used.

Subd. 3.      Removing Seal, Using Machine Prohibited.      No person shall remove or deface a seal affixed under these provisions except under the direction of an authorized agent of this municipality. No persons shall use any machine or device on which a seal has been affixed under the provisions hereof.

Section 500:38.      Termination of License.      At any time that the clerk or other official responsible for enforcement shall determine that any person licensed under this chapter or other ordinance of this municipality shall have failed to comply with any requirement of law or with any provision of this chapter, the clerk shall notify said licensee in writing of such violation, such notice to be delivered by the U.S. mail or personally as the clerk may determine, and deposit of the notice in the U.S. mail, addressed to the address stated on the license application, shall constitute service of the notice. If such person cannot be otherwise found the notice may be posted on the premises licensed. The notice shall require compliance with the provision of law, code, or ordinance specified within a reasonable time to be specified by the clerk. Upon expiration of said time, unless the licensee shall have requested a hearing in writing, the clerk, in the event that the license involved shall have been issued by the clerk, may terminate the license, or in the event that the license has been issued by the council, the clerk shall report the matter to the council and the council may thereafter terminate such license, subject to compliance with any procedure prescribed by the provisions of the ordinance pursuant to which the license or permit was issued.

Section 500:40.      Hearing.      In the event that a hearing is requested by the licensee, the clerk shall set a time for such hearing not less than 10 days and not more than 20 after request, at which time the clerk shall hear all testimony offered by the licensee, and shall inform the licensee of all information upon which the alleged violation of law by the licensee has been determined. If the license has been issued by the council such hearing shall be conducted by the council. On completion of such hearing, the clerk or council, as the case may be, shall issue

written findings of fact and may make a final order suspending or terminating the license in question. Upon the entry of any such order by the clerk, the licensee may appeal the determination of the clerk to the council by filing request for such appeal with the clerk within ten days after receipt of notification of the order of the clerk, and the council shall thereupon promptly hear the licensee and review the determination of the clerk, and make its final order sustaining or modifying the determination of the clerk.

Section 500:42.       Payment of Taxes on License Premises.       It shall be a condition to the issuance of any license by this municipality pursuant to this code or any of the ordinances of this municipality hereinafter referred to and amended, that all real estate taxes and special assessments levied against the premises licensed shall be paid prior to the last date when payable without penalty. Upon receipt of evidence that such taxes or special assessments levied against any such premises have become delinquent, the clerk shall notify the licensee of the delinquency and that all licenses issued for the premises under the circumstances hereinafter described shall be terminated and canceled thirty days after date of the notice, and unless such taxes and special assessments are paid and the county treasurer's receipt for the same delivered to the clerk within said thirty day period, the license described in said notice shall upon termination of said thirty day period be deemed canceled and terminated; provided, however, that no such license shall be canceled or terminated during the time in which any judicial proceeding is pending challenging the validity of the amount of the tax or special assessment in question.