

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 all activities for which licenses and permits are required by this code. The council also intends that fees for licenses and permits required by this code are those set by this chapter.

1000.03. Fees. Subdivision 1. General. The fees for the various licenses and permits are adopted by council resolution from time to time and are set out in appendix IV.

Subd. 2. Other provisions. City events and city-wide celebrations sponsored by local non-profit/civic organizations in conjunction with the city are exempt from license and permit fees except for on sale intoxicating and non-intoxicating liquor. The organization obtaining the license must reimburse out-of-pocket expenses incurred by the city related to the event.

1000.05. Application of chapter. Subdivision 1. General. Where a provision of this code requiring a license or a permit contains no procedures 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 issuance, revocation, suspension, renewal or fee, such provisions prevail over this chapter.

Subd. 3. Conflicts. Where a direct conflict exists between a license or permit fee set by any provision of this code and a fee set by this chapter, the fee set by this chapter applies.

1000.07. 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 to engage in a trade, profession, business or privilege in the city for which a license is required by any 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 upon 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. Unless otherwise provided by this code a license fee may not be prorated for a portion of a year, and a license fee paid will not be refunded.

1005.07. Bond and insurance. Required bonds must 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.

1005.09. Approval or denial of licenses. Where the approval of any city officer 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 any 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.

1005.11. License term. The term of the license year begins on January 1 and ends on 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 issuance.

1005.13. License certificates. License certificates must show the date of issue, the activity licensed and the term of the license. The certificates must be signed by the manager and clerk, and be 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 exhibited at all times in some conspicuous place on the premises. The licensee must present the license certificate when applying for a renewal and upon request of any police officer or authorized representative of the city.

1005.17. Transfer of license. Unless otherwise provided, a license is 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.
- 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 official.
- 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 any 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 all 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 to be 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. Inspections. The city health authority and other appropriate city officials may enter upon the premises where any licensed activity is being conducted for the purpose of inspection at any reasonable hour.

1005.27. Garbage and refuse haulers charges; special provisions. As a condition of granting a license to provide garbage and refuse removal service to residences and commercial establishments, the city council reserves the right to establish, by resolution, the maximum rate that holders of such licenses may charge their customers, and the council may, from time to time, establish such rate maximums. The failure of a holder of a license to abide by such rate controls is grounds for the revocation of the license by the council.

1005.29. Financial responsibility; applicability. (Added, Ord. No. 2011-5)

- a) Prior to the issuance of a license the applicant must file with the city clerk satisfactory evidence of financial responsibility. "Satisfactory evidence of financial responsibility" shall be shown by a certification under oath that the property taxes, public utility bills, and all state and federal taxes or other governmental obligations or claims concerning the business entity applying for the license are current, and that no notice of delinquency or default has been issued, or if any of the financial obligations stated in this subsection are delinquent or in default, that any such delinquency or default is subject to a payment plan or other agreement approved by the applicable governmental entity. "Satisfactory evidence of financial responsibility" as required by this subsection shall in addition be shown by an individual applicant and all individual owners and/or shareholders of the business entity. Operation of a business licensed under this section without having on-going evidence on file with the city of the financial responsibility required by this subsection is grounds for revocation or suspension of the license. (Added, Ord. No. 2011-5)

- b) This subsection shall apply to all licenses issued by the city except for licenses regulated by Chapter XII of this code which are regulated by that chapter. (Added, Ord. No. 2011-5)

Section 1010 - License fees

1010.01. License fees. The fees for the various licenses are set out in appendix IV.

1010.03. Penalty for late payment of license fees. Subdivision 1. No penalty. A penalty for the late payment of any license will not be incurred by any licensee provided the owner or agent makes application for the renewal of the existing license to the city clerk and includes therein the payment of the required fee therefor prior to the expiration date of the license.

Subd. 2. Penalty for late payment. A person whose licensed trade, business, profession, activity or privilege is licensed by the city, other than one who has been closed down or who has not operated such activity in the city after the expiration of the licensing year, must pay to the city clerk the regular license fee and in addition thereto the following penalty for late application for a renewal license.

- a) One to seven days late a 25% penalty.
- b) Eight to 30 days late a 50% penalty.
- c) After expiration of 30 days from the due date, the activity for which a license is required must cease and a new license or permit for such activity will not be considered until the owner of the business personally appears before the city council. If the new license or permit is approved, the fee consists of the amount set forth for new licenses and permits, plus any late penalty fee that was not paid for the old license.

Subd. 3. Late payment of the license fee with penalty no bar to prosecution for operating without a license. The late payment of the license fee along with the penalty set forth herein is no bar to any prosecution by the city for operating any licensed trade, business, profession, activity or privilege within the city without a license therefor.

Section 1015 - Permit procedures

1015.01. Permits required. It is unlawful to engage in any trade, profession, business or privilege in the city for which a permit is required by any provision of this code without first obtaining a permit from the city in the manner provided in this section.

1015.03. Application for permit. Application for a permit is made to the clerk on forms furnished by the city. The application must contain information as to location, nature, extent and costs of the proposed structure, work, installation, or other purposes, and other information which the building inspector or other duly authorized persons may require under this code. The application must contain a declaration that the facts and representations therein made are true and correct, which statement must be subscribed to by the person or persons, or officers or agents of a corporation, applying for said permit.

1015.05. Granting of permits. Upon payment to the city by the applicant of the required fee for any permits, and upon approval of the appropriate inspector, the permit will be issued, except where council approval is required, in which case the building inspector is authorized to issue such permit after approval is granted by the council.

1015.07. Permit fees. The fees for the various permits are set out in appendix IV.

1015.09. Payment of fees. Subdivision 1. Payment. The permit fee and other fees and charges set forth in this code will be collected by the city before the issuance of any permits, and the city clerk, building inspector, or other persons duly authorized to issue such permit for which the payment of a fee is required under the provisions of this code may not issue a permit until such fee has been paid.

Subd. 2. Double fees. If a person begins work of any kind for which a permit from the city is required, without having secured the necessary permits therefor, either previous to or on the date of commencement of such work, that person must, when subsequently securing such permit, pay double the fee provided for such permit and is subject to the penalty provisions of this code.

1015.11. Dogs; special provisions. Notwithstanding the provisions of this code, the city council may by resolution fix the impounding fees, the boarding of dogs fees, and the fees required for euthanasia.

1015.13. Zoning and subdivision fees; special provisions. Subdivision 1. Scope and application. This subsection applies to applications for the platting or replatting of land and variances from platting regulations made pursuant to section 505 of this code, and to applications for zoning district changes, zoning code text amendments, conditional use permits, and variances, made pursuant to section 515 (appendix I) of this code.

Subd. 2. Basic fee. The basic fee for an application to which this subsection applies is set in appendix IV.

Subd. 3. Additional fee. In order to defray the costs to the city of processing applications to which this subsection applies, applicants must pay, in addition to the basic fee, a fee computed in accordance with this subdivision. This additional fee represents the following costs:

- a) Costs of materials for the application including, but not limited to, maps, graphs, charts, and drawings;

- b) Staff and consultant time spent in preparing materials for the application, including necessary research.

The amount of the additional fee will be estimated by the city clerk at the time of application based upon an hourly rate for staff and consultant time and estimated costs of materials. The hourly rate and cost estimates utilized in computing the fee must be made available to the applicant by the clerk.

Subd. 4. Fees; payment; deposit. The basic fee and a cash deposit equal to the estimated additional fee must accompany an application filed under this subsection. The city manager must establish procedures for accounting for all costs represented by the additional fee. If such actual costs are less than the additional fee cash deposit the excess must be returned to the applicant within 30 days after final action by the council on the application. If such actual costs exceed the additional fee cash deposit, the clerk must bill the applicant for such excess at the end of each month, and such bill will be payable within 30 days of receipt. The application form must contain a statement that applicant agrees to pay all such billings. The council may not grant any application to which this subsection applies until all application fees and excess billings are paid.

Subd. 5. Refunds. Except as provided in subdivision 4, the basic and additional application fees may not be refunded unless the application is withdrawn prior to its referral to the planning commission by the city clerk or the council.