

CHAPTER V - MUNICIPAL REGULATION AND LICENSING

Part 1. General Licensing and Permit Provisions

Sec. 501.01. LICENSE AND PERMITS

- Subd. 1. General Rule - Except as otherwise provided in this code, all licenses and permits granted by the city shall be governed by the provisions of this part.
- Subd. 2. Acts Prohibited - No person shall conduct any activity or use any property for which a license or permit is required by law or this code without a currently valid license or permit for such activity or use.
- Subd. 3. Applications - Every application for a license shall be made to the clerk on a form the clerk provides. It shall be accompanied by payment to the clerk of the prescribed fee. If, after investigation, the clerk is satisfied that all requirements of law and this code have been met, the clerk shall present the application to the council for action or, if the license or permit does not require council approval, the clerk shall issue the license or permit.

Sec. 501.02. NOT TRANSFERABLE

No license issued by the city may be transferred from one person to another without permission of the council. When the council permits the transfer of a license, it may waive any residency requirement, but only for the required term of the license.

Sec. 501.03. REVOCATION

Any license may be revoked by the council for a violation of the section or chapter under which it is issued. However, the revocation must follow any procedure provided in the section or chapter in question.

Sec. 501.04. APPEAL

Any person who has made application which has been denied or not acted upon within 30 days after the application may apply directly to the council for a license. The application to the council shall contain the same information required in the original application, plus any additional information that the council may require or that the applicant may feel is pertinent. The council may grant the license, after hearing, if the requirements of this code are substantially complied with, and in the opinion of the council granting the license would be in the best interests of

the public.

Part 2. Cigarette Licenses

Sec. 502.01. LICENSE REQUIRED

No person, firm, or corporation shall directly or indirectly or by means of any device keep for retail sale, sell at retail, or otherwise depose of any cigarette, cigarette paper, or cigarette wrapper at any place in the city unless a license therefor~~e~~ shall first have been obtained.

Sec. 502.02. APPLICATION

In the cigarette license application, the applicant shall make full disclosure of all matters relating to the applicant's name, age, the business in connection with which the proposed license will operate and its location, and such other information as may be required by the council.

Sec. 502.03. FEES

The fee for every license shall be set annually by a “Fee Schedule” ordinance~~resolution~~ of the Council.

Sec. 502.04. LICENSE SHALL BE DISPLAYED

Every license shall be kept conspicuously posted at the location for which the license is issued and shall be exhibited to any person upon request.

Sec. 502.05. RESTRICTIONS

No license shall be issued except to a person of good moral character. No License shall be issued to any applicant for sale of cigarettes at any place other than his established place of business. No license shall be issued for the sale of cigarettes at a movable place of business.

Part 3. Public Dances

Sec. 503.01. DEFINITION

The term "public dance" shall be taken to apply to any place in which dancing may be or is carried on, other than a private residence; and the term "public dance" shall be taken to apply to every dance held in a public dancing place, whether an admission fee is charged or not.

Sec. 503.02. LICENSE REQUIRED

No person shall conduct a public dance in this city unless a license shall have been procured therefore from the clerk.

Sec. 503.03. FEE

The license fee shall be set annually by ordinanceresolution of the city council.

Sec. 503.04. APPLICATION

Any person or persons desiring a permit to hold or conduct a public dance in the city shall make application therefore on blanks furnished by the clerk. The applications shall set forth the name and address of the person, persons, committee, or organization which is to conduct the dance; time and place where such dance is to be held; and the area of the dance floor. The application shall also show affirmatively that all the applicants are of good moral character and reputation in the communities in which they live, and that none of the applicants has been convicted of a felony, gross misdemeanor, or of violating any ordinance or law regulating dances any place in the United States. The clerk shall issue the license if in the clerk's opinion the public health or safety will not suffer there from. In case the license be issued, the same shall be posted in a public place in the dance hall described therein during the time the dance is being given, and the persons named in the license shall be responsible under the law for the manner in which such dance is to be held and conducted.

Sec. 503.05. POLICE PROTECTION REQUIRED

It shall be a condition of any permit issued under this part that the applicant shall provide at the applicant's own expense policing of the immediate and surrounding area of the building or area in or upon which said dance is held by a police officer approved by the chief of police. The failure to provide such policing shall constitute grounds for the immediate revocation of the license.

Part 4. Peddlers

Sec. 504.01. LICENSE REQUIRED

No solicitor, peddler, hauler, or transient vendor of merchandise without having been requested or invited to do so by the owner or owners, occupant or occupants shall enter a private residence of the city for the purpose of soliciting orders for the sale of goods, wares, and merchandise, or for the purpose of disposing of or peddling or hauling the same, without

first obtaining a license therefore.

Sec. 504.02. APPLICATION

Before any license shall be issued to any person to vend, sell, hawk, or peddle goods, the person desiring such license shall file a written application with the clerk. Said application shall show:

- (a) The name of the applicant and the persons associated with the applicant in the business;
- (b) Type of business for which the license is desired;
- (c) The length of time for which said license is to be desired;
- (d) A general description of the thing or things to be sold;
- (e) The present place of business of the applicant.

Sec. 504.03. ISSUANCE FEE

Every application for a license under this ordinance shall bear the written approval of the city chief of police or mayor after an investigation of the moral character of the applicant. When the applicant presents to the clerk an application in proper form for any business not prohibited by law, the applicant shall pay a fee which shall be set annually by ~~ordinance~~resolution of the city council to cover the cost of said application.

Sec. 504.04. EXCLUSION BY PLACARD

Any resident of the city who wishes to exclude peddlers or solicitors from premises the residence occupies may place upon or near the usual entrance to such premises a printed placard or sign bearing the following notice: "Peddlers and Solicitors Prohibited." Such placard shall be at least three and three-quarter inches long and three and three-quarters inches wide and the printing thereon shall not be smaller than 48-point type. No peddler or solicitor shall enter in or upon any premises or attempt to enter in or upon any premises, where such placard or sign is placed and maintained.

Sec. 504.05. DEFACING PLACARD

No person other than the person occupying such premises shall remove, injure, or deface such placard or sign.

Part 5. Fireworks

Sec. 505.01. LICENSE REQUIRED

No person shall use or explode any fireworks as defined in Minn. Stat. 624.20 without a license therefore.

Sec. 505.02. APPLICATION

Every application for such a license shall be made in writing to the clerk at least 15 days in advance of the date of the display. The application shall be promptly referred to the fire marshal, who shall make an investigation to determine whether the operator of the display is competent and whether the display is of such a character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. The fire marshal shall report the findings of this investigation to the clerk and if the marshal reports that in the marshal's opinion the operator is competent and that the display as planned will conform to safety requirements, including the rules and regulations of the state fire marshall, the clerk shall issue a license for the display.

Part 6. Garbage and Rubbish

Sec. 506.01. PURPOSES

There is hereby established a city collection service, a municipal utility, and all households within the city shall dispose of collectible refuse by the city collection service only and shall not transport or dispose of refuse by any other means.

Sec. 506.02. LICENSE REQUIRED

No persons may collect or haul garbage or rubbish within the city without first obtaining a written license, therefore, from the council. An application for license shall be submitted in writing to the city clerk, and shall contain the following information:

- (a) Name and address of the applicant;
- (b) Description of the equipment which will be used within the city by the applicant;
- (c) A schedule of the rate that will be charged by the applicant for the various categories of customers within the city;

(d) Evidence of compliance with the other applicable sections of this chapter.

The application for a license shall be accompanied by the license fee of \$40.00, which shall be refunded if the license be denied. The annual fee will be the amount herein stated. Application for renewal of a license shall be submitted in writing to the clerk on or before December 1 of each year, and shall contain the information required by the initial application for a license, as stated above. Licenses shall be for a term of one year commencing January 1 of each year, but may be issued on a pro rata basis.

Sec. 506.03. GARBAGE AND RUBBISH DEFINED

For the purpose of this part, garbage and rubbish are defined to include garbage and rubbish of all kinds that accumulate in the ordinary operation of a household, grass trimmings, ashes, tree branches, leaves, and other refuse small enough to go into a 35-gallon garbage can.

Sec. 506.04. FRANCHISE

The council may exercise its reserved right to provide for a franchise to a single operator for the collection of garbage and rubbish within the city.

Sec. 506.05. SUSPENSION OF LICENSE OR FRANCHISE

A franchise or license issued under the provision of this part may be revoked or suspended for a violation of this part or other applicable regulations of the law, upon a showing that the franchisee or licensee has failed to comply with the same.

Sec. 506.06. FINANCIAL RESPONSIBILITY

The licensee or franchisee shall show financial responsibility or a certificate of insurance coverage prior to obtaining a license or franchise whereby each vehicle to be used by said licensee or franchisee shall be covered against loss or injury in the following amounts: \$200,000 when the claim is one for death by wrongful act or omission and \$200,000 to any claimant in any other case; \$600,000 for any number of claims arising out of a single occurrence. Said licensee or franchisee shall also provide evidence of worker's compensation insurance for employees. Such insurance policy shall be for the full term of the license or franchise and shall provide for the giving of 10 days prior notice to the city of the termination or cancellation of said policies. In case any of said policies are terminated, the license or franchise shall be automatically revoked upon receipt by the clerk of said termination or cancellation.

Sec. 506.07. DESIGN OF EQUIPMENT

All trucks or motor vehicles used by the licensee or franchisee shall be watertight so as not to allow the leakage of liquids or refuse while hauling the same and shall be covered with a metal covering to prevent the scattering of its contents upon the public streets or private properties in the city.

Sec. 506.08. INSPECTION

All vehicles used for garbage or rubbish shall be made available for inspection within the city at such times and places as the council shall designate.

Sec. 506.09. BOND

The franchisee or licensee(s) may be required to furnish a surety bond in such amount as the council deems necessary running to and approved by the council, guaranteeing the franchisee's (licensee) faithful and continuous performance of the terms of the franchise, license, or contract and of this ordinance.

Sec. 506.10. METAL AND PLASTIC CANS

Every household or occupant of any dwelling house, boarding house, restaurant, or any place of business, having garbage to dispose of, who does not otherwise provide for the disposal of garbage in a sanitary manner, shall provide one or more fly-tight metal or plastic cans sufficient to receive all garbage which may accumulate between the times of collection.

Sec. 506.11. ACCUMULATIONS

No person shall fail to dispose of in a sanitary manner garbage and rubbish accumulated upon property the person owns or occupies.

Sec. 506.12. DUMPING

All garbage and rubbish accumulating between the times of collection shall be placed and stored in approved cans or containers.

Sec. 506.13. CONTAINER PLACEMENT

Garbage cans and recycling bins shall be placed at the front curb on

collection days or otherwise shall be made accessible to collectors at reasonable times and places.

Part 7. Circuses, Theatrical Performances, Amusements, Shows, and Exhibitions

Sec. 507.01. LICENSE REQUIRED

No person except a local school, lodge, society, or charitable organization, none of which were organized or maintained for profit, shall hold, promote, advertise for, or otherwise engage in offering or opening to the public a circus, theatrical performance, amusement, show, or exhibition without first obtaining from the council a license therefore.

Sec. 507.02. APPLICATION

Any person or persons desiring to engage in activities regulated under this section shall make application for such license on a form furnished by the clerk. The application shall set forth the name and address of the person, persons, committee, or organization which is to conduct the regulated activity; state the times and places where such activities are to be held or conducted, and state the nature of the activity for which the license is sought. The application shall also contain such other information as is reasonably requested by the clerk. In the event the license is issued, the same shall be posted in a conspicuous place on the premises at which the activity is conducted.

Part 8. Dogs, Cats, and Other Animals

Sec. 508.01. DOGS, CATS AND OTHER ANIMALS

Definitions. As used in this Chapter, unless the context otherwise indicates, the following words shall be defined to mean:

- (a) Owner - Any person group, of persons, or legal entity owning, keeping or harboring a dog or dogs.
- (b) Harborer – The harborer of a dog shall be any person who has custody of any dog or permits any dog to be kept or to stay on or about the harborer’s premises.
- (c) At large – A dog shall be termed at large when it is not under restraint, as defined herein.
- (d) Restraint – A dog is under restraint if it is controlled by a leash not exceeding eight feet in length or if it is within the boundaries

of the owner's or harborer's premises.

Sec. 508.02. LICENSING

No person shall own, keep or harbor a dog unless such dog is licensed as provided herein

Sec. 508.03. LICENSE APPLICATION

Written application shall be made in writing at City Hall. The application shall state the name and address of the owner of the dog, the name, breed, age, sex and color of the dog and be accompanied by a certificate of vaccination from a qualified veterinarian certifying that the dog has been vaccinated against rabies, or has received a booster shot within a 24 month period immediately preceding the application. No license will be issued to any dog that has not been properly vaccinated.

Sec. 508.04. LICENSE FEE

The annual license fee for each dog shall be set annually by ~~ordinance~~ ~~resolution~~ of the city council. The license fee shall be paid at the time of application.

Sec. 508.05. TERM OF LICENSE

All dog licenses shall be issued for one year beginning with the first day of March of each year. Application for license may be made 30 days prior to the first day of January of each year. A license must be obtained within 30 days for any dog brought into and kept in the city after January 1st of each year.

Sec. 508.06. DOGS NOT REQUIRING A LICENSE

No license shall be required of dogs less than 3 months of age.

Sec. 508.07. TAG AND COLLAR

All dogs shall be harnessed or collared. The clerk shall upon issuance of a license provide the applicant with a metallic tag, which shall be dated and numbered. The tag must be securely fastened to the dog collar at all times.

Sec. 508.08. RESTRAINT OF DOGS

No dog shall be permitted to be at large within the city limits. All dogs

shall be under restraint at all times.

Sec. 508.09. IMPOUNDING

The police, or any duly appointed person, may take and impound any animal which is not being kept, confined, or restrained in a manner consistent with the requirements of this ordinance. The police, or any duly appointed person, may enter upon private premises where it appears that there is reasonable cause to believe that an animal is not being kept, confined, or restrained as herein required.

Sec. 508.10. NOTICE TO OWNER

Upon the impounding of an animal wearing a current license tag, the police shall make every effort to notify the owner or harborer of such impoundment, and of any conditions whereby the owner or harborer may regain custody of the animal.

Sec. 508.11. RECLAIMING IMPOUNDED ANIMAL

Any animal impounded hereunder may be reclaimed by the owner or harborer within five days after receiving notice of such impoundment, excluding Saturday, Sunday, and legal holidays. A fee plus all pound fees shall be paid prior to the release of the animal. If the impounded animal was not properly licensed when it was impounded, an additional fee, plus all pound fees shall be paid prior to the release of the animal. A license shall be issued and the fee for the same shall be paid prior to the release from impoundment. All fees in this section shall be set annually by resolution of the city council

Sec. 508.12. DOGS WHICH CANNOT BE IMPOUNDED

If an animal is rabid, or otherwise diseased, vicious, or dangerous, and cannot be impounded after a reasonable effort or without serious risk to others, such animal may be immediately destroyed.

Sec. 508.13. DISPOSING OF IMPOUNDED ANIMAL

If an animal taken up and impounded has not been reclaimed within the time period herein, or if the owner cannot be located, then within five days, the person in charge of the pound shall give three days notice of the time and place where said animal will be sold by posting in the office of the person in charge of the pound. Should the person in charge of the pound be unable to sell the animal, that person shall otherwise dispose of

the animal. If the owner of the animal is known, the owner will be charged the cost of disposal as well as all pound fees.

Sec. 508.14. RABIES VACCINATION

It shall be unlawful for any person to own, possess, or harbor a dog within the city limits if the dog has not been vaccinated for rabies within the time required under standard veterinary practices. Proof of vaccinations shall be required at the time of licensing.

Sec. 508.15. BITING DOGS TO BE QUARANTINED

Whenever any dog has bitten a person, the owner after being notified shall immediately surrender such animal to be quarantined in the pound for a period of 14 days after the occurrence. All pound fees incurred during the quarantined period will be paid by the owner before the animal will be released. Upon reasonable suspicion that the dog may be rabid, the dog shall be subjected to necessary tests by a doctor of veterinary medicine for the purpose of determining if it is infected with rabies at the expense of the owner.

Sec. 508.16. CATS OR ANIMALS OF ALLIED GENERA

It shall be the obligation and responsibility of animal of this class to prevent such animal from molesting, defiling, or destroying any property, public or private. It shall be the obligation and responsibility of any animal of this class to prevent such animal to roam or engage in activities which otherwise constitute a nuisance.

Sec. 508.17. CERTAIN ANIMALS REGULATED

It shall be unlawful to keep or harbor in the city any of the following animals, or animals of allied genera; horses, cows, sheep, goats, swine, chickens, animals of the genus reptilia or allied genera which are venomous, or other animals that the keeping in captivity is prohibited by law.

Sec. 508.18. ANIMALS DEEMED DANGEROUS

After the quarantine, if the dog is determined to be free from rabies, the owner may reclaim the animal after all fees are paid. If, upon investigating, the bite is determined to be unprovoked, the dog will be deemed a dangerous animal. The owner of such animal will pay a yearly license fee as well as provide proof of liability insurance for the animal in the minimum amount of \$200,000. Proof of insurance will be required before the animal will be released from quarantine.

The license fee shall be set annually by ~~ordinanceresolution~~ of the city council.

Sec. 508.19. LIMITATION OF OWNERSHIP

It is unlawful for any person to own, keep, care for, have custody of, or knowingly permit at any time more than three dogs ~~and/or~~ cats in or about their residence, or any other location under the persons control within the city. ~~within the _____ city without obtaining a kennel license. _ A residence or other location may _____ contain up to three dogs and/or cats without a kennel license.~~ This section shall not apply to the following:

- (a) one litter of pups or kittens under 90 days of age, born to a licensed dog or cat;
- (b) residence of newly annexed areas, provided that the owners have the animals licensed within 30 days after annexation occurs, and until such time as one or more illegal animals dies, or for some other reason is not owned or possessed by the resident anymore;
- (c) a licensed veterinarian;
- (d) a city or humane society owned or operated animal shelter.

Sec. 508.20. KENNELS

~~A person who wishes to put up a kennel in a properly zoned area of the city may do so upon meeting certain criteria. It shall be unlawful to _____ operate a kennel without meeting the following requirements:~~

- ~~(a) _____ obtain a kennel license from the Minnesota Board of Animal Health;~~
- ~~(b) _____ approval from the city council;~~
- ~~(c) _____ pay an annual kennel fee to the city in the amount of \$300.00;~~
- ~~(d) _____ have written permission from surrounding neighbors when applicable.~~

It shall be unlawful for any person to own or operate a kennel within the corporate limits of the city.

Sec. 508.21. OWNER RESPONSIBILITY FOR SANITATION

Owners of a dog are at all times responsible for the sanitation of their animal, whether on their own property, the property of others, or public property. It is unlawful for any owner or other person in charge of the dog to be in a park, upon public property or private property not owned by said person, and to allow the dog to defecate and then fail to clean up the defecation immediately. Owner shall be fined a fee as set annually by resolution of the city council.

Sec. 508.22. NUISANCE ANIMAL

Any animal that is at large or generates three repeated complaints of barking shall be deemed a nuisance. The city council after being advised by the police of the number of times a complaint is received on the same animal for the same violation may request the owner of the animal to dispose of the animal. If the owner declines to comply with the council's request, the council will notify the owner in writing of the following:

- (a) the date and times of the violations for the last three months;
- (b) the nature of the violations;
- (c) the number of warnings for the violation.
- (d) the number of citations issued for the violation.

The owner shall be notified that if another violation occurs, the council will send a letter with the citation requesting the court to order the animal removed from the city.

**Part 9. Bingo, Other Lawful Gambling,
and Video Games of Chance**

Sec. 509.01. DEFINITIONS

As used in this article, the terms defined in Minnesota Statutes Section 349.12 are incorporated herein by reference and shall be applicable to the provisions contained herein.

Sec. 509.02. GAMBLING PROHIBITED; EXCEPTION

No person except an organization licensed by the State Charitable Gambling Control Board pursuant to Minnesota Statutes Chapter 349 or an organization permitted under this article shall conduct gambling within the corporate limits of the city. Any person or persons violating this

section shall be punished pursuant to Minnesota Statutes 609.75 to 609.762.

Sec. 509.03. ADOPTION OF STATE LAW

The provisions of Minnesota Statutes Section 349.11 et seq. relating to the licensing and restrictions of gambling, are adopted and made a part of this article as if set out in full herein, with the following restrictions or requirements, as permitted by that statute.

Sec. 509.04. ADDITIONAL RESTRICTIONS AND REQUIREMENTS

- (a) Donation required - Any organization licensed to conduct lawful gambling within the city shall contribute 10 percent of its net profit from the conduct of lawful gambling to the city.
- (b) Reports - A licensed organization shall file with the city clerk copies of all reports which it is required to file with the State Gambling Control Board, and shall do so within seven (7) days of filing the report with the board. Failure to comply with this provision may constitute grounds for disapproval of gambling licenses by the city council.
- (c) Investigation fee - Pursuant to authority granted by Minnesota Statute 349.16, Subdivision 4, there is hereby imposed on organizations applying for or renewing state issued licenses to conduct lawful gambling, an investigation fee which must accompany the application notice filed with the city clerk. Failure to pay this fee shall be cause for the council's disapproval of this application. The fee shall be set annually by ~~ordinance~~resolution of the city council.

Sec. 509.05. CITY PERMIT REQUIRED; APPLICATION; FEE; COMPENSATION; REPORTS, ETC

Lawful gambling by organizations not required to obtain a state license pursuant to Minnesota Statute 349 may be conducted in the city if an organization has been issued a permit approved by council resolution and upon compliance with the provisions of this article.

- (a) CITY PERMIT APPLICATION - Application for a city gambling permit shall be made to the city clerk upon an application form supplied by the city clerk, together with such additional information as may be required by the city clerk. A separate application shall be required for each separate day or occurrence on which the gambling event is to be conducted. Applications must be filed with the city clerk at least thirty (30) days prior to the

requested date of the gambling event. The application shall be referred to the Police Chief who shall report to the city council at its next regular meeting following the filing of the application.

- (b) PERMIT FEES - A permit fee for each proposed gambling event shall be set annually by ~~ordinance~~resolution of the city council.

- (c) TIME AND MEMBERSHIP REQUIREMENTS FOR CHARITABLE ORGANIZATIONS - No organization shall be issued a city permit unless it has been in existence for at least three (3) years and has at least fifteen (15) active members and complies with all other requirements of Minnesota Statute 349 and this article.

- (d) COMPENSATION - No compensation shall be paid to any person, including the manager, in connection with the operation of the permitted lawful gambling, which does not require a state license but is conducted pursuant to the city permit. No person who is not an active member of the permitted organization, or its auxiliary, or the spouse or surviving spouse of an active member, may participate in the organization's operation of such a permitted gambling occurrence.

- (e) GAMBLING MANAGERS - All operation of gambling devices and in the conduct of raffles pursuant to a city permit shall be under the supervision of a single gambling manager designated by the organization. The gambling manger shall be responsible for gross receipts and profits from gambling devices and raffles and for its conduct and compliances with all laws and rules. The organization may require the gambling manager to provide a fidelity bond in a sum to be set by the organization, not to exceed ten thousand dollars (\$10,000), and given in favor of the organization holding the license under this article conditioned on the faithful performance of his or her duties and in compliance with Minnesota Statute 349.20.

- (f) REPORTS - The permitted organization shall file with the city clerk within thirty (30) days of each gambling occasion permitted a copy of the reports required to be filed with the State Charitable Gambling Control Board pursuant to Minnesota Statute 349.214, Subd 2.