

CHAPTER 5: MUNICIPAL REGULATION AND LICENSING

(amended and adopted June 11, 2014)

Part 1. General Licensing and Permit Provisions

501.01	Licenses and permits
501.02	Not transferable
501.03	Revocation
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Part 1. General Licensing and Permit Provisions

501.01. Licenses 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. Application. 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.

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.

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.

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 interest of the public.

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Part 3. Public Dances

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Part 3. Public Dances

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.

503.02. License required. No person shall conduct a public dance in this city unless a license shall have been procured therefor from the clerk.

503.03. Fee. The license fee shall be set forth on the fee schedule adopted each year by the city council provided that any lodge or society not organized or maintained for profit may conduct public dances.

503.04. Application. Any person or persons desiring a permit to hold or conduct a public dance in the city shall make application therefor 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 therefrom. In case the license be issued, the same shall be posted in a public place in the dance hall described herein during the time the dance is being given, 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.

503.06. Hours. No public dances shall be allowed between the hours of 1:00 a.m. and 6 a.m.

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Part 4. Peddlers

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504.04	Exclusion by placard
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Part 4. Peddlers

504.01. License Required. No solicitor, peddler, hauler, or transient vendor of merchandises 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 therefor.

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;
- f. References

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 set forth by the master fee schedule adopted each year by the city council to cover the cost of said application.

504.04. Exclusion by placard. Any resident of the city who wishes to exclude peddlers or solicitors from premises the resident 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.

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

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Part 5. Fireworks

505.01	Licenses required
505.02	Application
505.03	Fee

Part 5. Fireworks

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

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 fire 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 marshal, the clerk shall issue a license for the display.

505.03. Fee. The license shall not be issued until a fee set forth according to the fee schedule adopted each year by the city council is paid for each day of display.

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Part 6. Garbage and Rubbish

506.01. Purposes. In order to provide for a continuous system of refuse collection and disposal in a manner which meets the needs and conveniences of the residents of this city and in order to protect the area from the problems of uncoordinated, unsanitary, and improper solid waste disposal, the Council hereby determines that it is in the best interest of the residents of the city to require licenses or persons collecting and/or hauling garbage and rubbish for hire, reserving to the city the right and authority to grant an exclusive refuse collection franchise to a single operator.

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 set forth on the fee schedule adopted each year by the city council, which shall be refunded if the license be denied. The annual fee shall be set forth according to the fee schedule adopted each year by the city council. 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.

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 20-gallon garbage can.

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 with the city.

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

506.06. Financial responsibility. The licensee or franchisee shall show financial responsibility or a certificate of insurance coverage prior to obtaining the 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 workers 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.

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. Vehicles shall meet state DOT requirements.

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.

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 franchisees' (license) faithful and continuous performance of the terms of the franchise, license, or contract and of this ordinance.

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.

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.

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

506.13. Container placements. Garbage cans shall be kept at the rear of the property if there is an alley, and shall be accessible to collectors at all reasonable times.

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

507.01	Licenses required
507.02	Fee
507.03	Application
507.04	Deposit required

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

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

507.02. Fee. The license fee shall be determined by the council as needed for each day that the activity is conducted, offered, or held open for the public, whichever is less.

507.03. 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.

507.04. Deposit required. As a condition for the issuance of a license, the applicant shall deposit with the clerk the sum of \$500.00, dedicated to cleaning up and restoring the area used to its state existing prior to the commencement of the activity licensed. The licensee shall have a period of 24 hours following the termination of the activity with which to clean up and restore the area or conditions herein stated have been complied with. Upon compliance, the clerk shall refund the deposit of \$500.00. The refusal of or failure by the licensee to comply with the conditions of this section shall constitute a release of any claim to the deposited sum by the licensee, and said sum shall thereafter be forfeited to the city for the purposes of cleaning up and restoring the area or premises, any balance remaining thereafter shall be deemed liquidated damages and are forfeited to the city for failure to comply with this section.