

CHAPTER X

LICENSES AND PERMITS; PROCEDURES

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 not otherwise specified in this code shall be those set by this chapter.

1000.03. Application of chapter. Subdivision 1. General. Where a provision of this code requiring a license or a permit contains no procedure 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 the procedure for a pro rata payment of a fee, that provision prevails over this chapter.

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

Section 1005 - Licensing Procedures

1005.01. Licenses required. It is unlawful for any person to engage in any 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-treasurer 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-treasurer before the granting of the license. No license fee may be prorated for a portion of a year and no license fee paid may be refunded unless the application for the license is denied.

1005.07. Bond and insurance. Subdivision 1. Form: approval: filing. Required bonds must be in form satisfactory to the city attorney, shall be executed by two sureties or a surety company and be approved by the clerk-treasurer. 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-treasurer before the license is issued.

Subd. 2. Insurance: coverage. Where policies of insurance are required for a permit or contractor's license, the permittee or licensee must file with the city clerk-treasurer a certificate of insurance from an insurance company duly licensed and qualified to do business in Minnesota, on a form approved by the city attorney. Where liability insurance is required for a license, the insurance policy certified shall provide the following coverage in not less than the amounts hereinafter provided:

- (a) Comprehensive general liability
 - (1) Bodily injuries, including death resulting therefrom sustained by any one person - \$100,000 and \$300,000 per any one occurrence.
 - (2) Property damage liability - \$100,000 per occurrence.
 - (3) XCU (excavation, collapse, underground) exclusion deleted where permittee's or licensee's work involves such risks or exposure.

- (b) Comprehensive auto liability
 - (1) Bodily injuries including death resulting therefrom sustained by any one person - \$100,000 and \$300,000 per any one occurrence.
 - (2) Property damage liability - \$50,000 per any one occurrence.
 - (3) Hired car and non-ownership coverage.

The insurance shall not be cancelled or changed without 15 day prior written notice to the city clerk-treasurer by certified mail. The certification of insurance shall be continuous in effect until 15 days after receipt of the written notice of cancellation or change, provided that the certification shall not extend for more than six years.

Subd. 3. Bond: amount. Where required a bond shall be in the amount of \$3,000 conditioned that the licenses shall comply with the applicable licensing provision of this code and the laws of the state of Minnesota pertaining to such work and that the licensee will indemnify and save the city harmless from all loss or damage by reason of inadequate work performed by the licensee or by reason of accidents caused by the negligence of the licensee, agents or employees.

1005.09. Approval or denial of licenses. Where the approval of any city or state officer or the council is required prior to the issuance of a license, the approval must be presented to the clerk-treasurer before the license is issued. No license may be approved by any city officer or issued by the clerk-treasurer 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. No license may be issued if real estate or personal property taxes on property to be used in connection with the license have become delinquent until such taxes with interest and penalties have been paid. Unless otherwise provided in this code, every license shall be approved by the council.

1005.11. License term. Unless otherwise provided in this code the term of the license year begins on January 1 and ends on the last day of December. 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 shall show the date of issue, the activity licensed and the term of the license. They shall be signed by the manager and clerk-treasurer and be impressed with the city seal. The clerk-treasurer shall keep a record of all licenses and permits issued.

1005.15. Exhibition of license certificate. A licensee shall 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 demand of any police officer or authorized representative of the city.

1005.17. Transfer of license. Unless otherwise provided in this code no license is transferable without the authorization of the council.

1005.19. Renewal of license: conditions. 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, subject to the provisions of Minnesota Statutes, chapter 364.
- (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 authority 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. No license may 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 the hearing together with a statement of the violation alleged to be the cause for the revocation or suspension of the license.

1005.25. Temporary suspensions. The city council may temporarily suspend a license pending a hearing on revocation or suspension when in its judgment the public health, safety and welfare is endangered by the continuance of the licensed activity.

1005.27. Inspections. The city health officer and other appropriate city officials may enter upon the premises where a licensed activity is being conducted for the purpose of inspection at any reasonable hour.

1005.29. Late fees. Subdivision 1. Activity begun without license. When an activity licensed under this code is begun without a license, the fee shall be twice the fee set by this chapter or the fee plus \$100 whichever is less.

Subd. 2. Renewal penalty. A licensee who fails to pay a license renewal fee by March 1 must pay a late application fee of \$5 plus \$1 for each month or part thereof after March 1. This subdivision does not apply to licenses issued for work performed in or on city streets or sidewalks.

Subd. 3. No bar to prosecution. The payment of the late fees and penalty fees established in this subsection does not prevent prosecution by the city for operating or conducting a licensed activity without a license.

Section 1010 - Permit Procedures

1010.01. Permits required. It is unlawful to conduct any activity in the city for which a permit is required by this code without first obtaining the permit from the city in the manner provided in this section.

1010.03. Application for permit. Application for a permit is made to the clerk-treasurer on forms furnished by the city. The application shall contain information as to location, nature, extent and costs of the proposed structure, work, installation, activity or other purpose 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 shall be subscribed to by the person or persons or officers or agents of a corporation applying for the permit.

1010.05. Granting of permits. Upon payment to the city by the applicant of the required fee for a permit and upon approval of the appropriate inspector the permit shall be issued except where council approval is required, in which case the appropriate officer may issue the permit only after approval is granted by the council.

1010.07. Payment of fees. Subdivision 1. Payment. The permit fee and other fees and charges set forth in this code shall be collected by the city before the issuance of any permit and the city clerk-treasurer, building inspector or other persons authorized to issue a permit for which the payment of a fee is required under the provisions of this code may not issue a permit until the fee has been paid.

Subd. 2. Double fees. Except as otherwise specifically provided in this code if a person begins work of any kind for which a permit from the city is required without having secured the necessary permit therefor, either previous to or on the date of commencement of such work, the person shall when subsequently securing such permit pay double the fee provided for the permit or the fee plus \$100, whichever is less, and is subject to the penalty provisions of this code.

1010.09. Building permits. Building permit and plan checking fees and charges are those set by the state building code, in chapter IV of this code and set forth in appendix II of this code.