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Chapter 7: Other Business Regulation and Licensing

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CHAPTER 7

OTHER BUSINESS REGULATION AND LICENSING

SEC. 7.01. DEFINITIONS.

As used in this Chapter, the following words and terms shall have the meanings stated:

1. “Applicant” means any person making an application for a license under this Chapter.
2. “Application” means a form with blanks or spaces thereon, to be filled in and completed by the applicant as his request for a license, furnished by the City and uniformly required as a prerequisite to the consideration of the issuance of a license for a business.
3. “Bond” means a corporate surety document in the form and with the provisions acceptable and specifically approved by the City Attorney.
4. “Business” means any activity, occupation, sale of goods or services, or transaction that is either licensed regulated, or both licensed and regulated, by the terms and conditions of this Chapter.
5. “License” means a document issued by the City to an applicant permitting him to carry on and transact a business.
6. “Licensee” means an applicant who, pursuant to his applications, holds a valid, current, unexpired and unrevoked license from the City for carrying on a business.
7. “License fee” means the money paid to the City pursuant to an application and prior to issuance of a license to transact and carry on a business.
8. “Sale”, “Sell” and “Sold” mean all forms of barter and all manner or means of furnishing merchandise to persons.

SEC.7.02. APPLICATIONS.

Subd. 1. All applications shall be made at the office of the Clerk Administrator upon forms that have been furnished by the City for such purposes.

Subd. 2. Unless otherwise provided for in this Chapter, all such applications must be subscribed, sworn to, and include such information as the Council deems necessary considering the nature of the business for which license application is made.

Subd. 3. It is unlawful for any applicant to intentionally make a false statement of omission upon any application form. Any false statement in such application, or any willful omission to state any information called for on such application form, shall, upon discovery of such falsehood work an automatic refusal of license, or if already issued, shall render any license or permit issued pursuant thereto, void, and of no effect to protect the applicant from prosecution for violation of this Chapter, or any part hereof.

Subd. 4. The Clerk Administrator shall, upon receipt of each application completed in accordance herewith, forthwith investigate the truth of statements made therein and the moral character and business reputation of each applicant for license to such extent as he deems necessary. The Council shall not consider an application before such investigation has been completed.

Subd. 5. Applications for renewal licenses may be made in such abbreviated form as the Council may by resolution adopt.

SEC. 7.03. ACTION ON APPLICATIONS, TRANSFER, TERMINATION AND DUPLICATE LICENSE.

Subd. 1. Granting. The Council may grant any application for the period of the remainder of the then current license year or for the entire ensuing license year. All applications, including proposed license periods, must be consistent with this Chapter.

Subd. 2. Issuing. If an application is approved, the Clerk Administrator shall forthwith issue a license pursuant thereto in the form prescribed by the Council, payment of the appropriate license fee, and approval of the bond or insurance as to form and surety or carrier, if required. All licenses shall be on a fiscal year basis (July 1 to June 30) unless otherwise specified herein as to particular businesses. Unless otherwise herein specified, license fees shall be pro-rated on the basis of 1/12th for each calendar month or part thereof remaining in the then current license year. Provided, that for licenses where the fee is less than \$100.00 a minimum license fee equal to one-half of the annual license fee shall be charged. Except as to licenses which are specifically City-wide, licenses shall be valid only at one location and on the premises therein described.

Subd. 3. Transfer. A license shall be transferable between persons upon consent of the Council and payment of the investigation fee. No license shall be transferable to a different location without prior consent of the Council and payment of the fee for a duplicate license. It is unlawful to make any transfer in violation of this Subdivision.

Subd. 4. Termination. Licenses shall terminate only by expiration or revocation.

Subd. 5. Refusal and Revocation. The Council may, for any reasonable cause, refuse to grant any application, or revoke any license. No license shall be granted to a person of questionable moral character or business reputation. Before revocation of any license, the Council shall give notice³ to the licensee and grant such licensee opportunity to be heard. Notice to be given and the exact time of hearing shall be stated in the resolution

calling for such hearing. Grounds for revocation may be, but are not limited to, any of the following: (1) that the licensee suffered or permitted illegal acts upon licensed premises; (2) that the licensee had knowledge of such illegal acts but failed to report the same to police; (3) that the licensee failed or refused to cooperate fully with police in investigating such alleged illegal acts; or, (4) that the activities of the licensee created a serious danger to public health, safety, or welfare.

Subd. 6. Duplicate License. Duplicates of all original licenses may be issued by the Clerk Administrator, without action by the Council, upon licensee's affidavit that the original has been lost, and upon payment of a fee in an amount adopted by resolution of the Council for issuance of the duplicate. All duplicated licenses shall be clearly marked DUPLICATE.

SEC. 7.04. FIXING LICENSE FEES.

Except as otherwise herein provided, all fees for licenses under this Chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such license fees may, from time-to-time, be amended by the Council by resolution. A copy of the resolution setting forth currently effective license fees shall be kept on file in the office of the Clerk Administrator, and open to inspection during regular business hours. For the purpose of fixing such fees, the Council may subdivide and categorize licenses under a specific license requirement, provided, that any such subdivision or categorization shall be included in the resolution authorized by this Section.

SEC. 7.05. CARRYING OR POSTING.

All solicitors shall at all times when so engaged, carry their license on their person. All other licensees shall post their licenses in their place of business near the licensed activity. Provided, however, that in the case of machine or other device licensing, the City may provide a sticker for the current license year which shall be affixed to each machine or device requiring such sticker. All licenses shall display their licenses upon demand by any officer or citizen.

SEC. 7.06. PENALTY FOR PROPERTY OWNER.

It is unlawful for any person to knowingly permit any real property owned or controlled by him to be used, without a license, for any business for which a license is required by this Chapter.

SEC. 7.07. RESPONSIBILITY OF LICENSEE.

The conduct of agents or employees of a licensee, while engaged in performance of their duties for their principal or employer under such license, except as to criminal liability therefore, shall be deemed the conduct of the licensee.

SEC.7.08. CONDITIONAL LICENSES.

Notwithstanding any provision of law to the contrary, the Council may, upon a finding of the necessity therefore, place such conditions and restrictions upon a license as it, in its discretion, may deem reasonable and justified.

SEC. 7.09. RENEWAL OF LICENSES.

Applications for renewal of an existing license shall be made at least thirty (30) days prior to the date of expiration of the license, and shall contain such information as is required by the City. This time requirement may be waived by the Council for good and sufficient cause.

SEC. 7.10. INSURANCE REQUIREMENTS.

Whenever insurance is required by a Section of this Chapter, after approval by the Council, but before the license shall issue, the applicant shall file with the Clerk Administrator a policy or certificate of public liability insurance showing (1) that the limits are at least as high as required, (2) that coverage is effective for at least the license term approved, and (3) that such insurance will not be canceled or terminated without thirty days' written notice served upon the Clerk Administrator. Cancellation or termination of such coverage shall be grounds for license revocation.

SEC. 7.11. LICENSE DENIAL AND FIXING RATES – HEARING.

Subd. 1. Right to Deny. The Council reserves to itself the right to deny any application for a license to operate any business licensed or regulated under this Chapter where such business involves service to the public, rates charged for service, use of public streets or other public property by the applicant or the public, or the public health, safety and convenience. The Council may also consider the location of such business in making such determination. Provided, however, that before making such determination, the Council shall hold a public hearing thereon pursuant to such notice to interested parties and the public as it may deem necessary or proper in action calling for such hearing.

Subd. 2. Rates. Where, under specific provisions of this Chapter, the Council has reserved to itself the right to fix or approve fees, rates or charges of a licensed or regulated business, such rates shall be uniform for each category or class of service, and no licensee or proprietor of a regulated business shall claim or demand payment in excess thereof.

Subd. 3. Hearing. Any applicant or licensee under this Chapter who challenges denial of a license or rates fixed or approved by the Council shall have a right to a hearing before the Council upon written request therefore. Notice of time, place and purpose of such hearing shall be given to such persons and by such means as the Council may determine in calling the hearing.

SEC. 7.12. WORKER'S COMPENSATION.

No license to operate a business shall be issued by the City until the applicant presents acceptable evidence of compliance with the worker's compensation insurance coverage requirement of Minnesota Statutes by providing the name of the insurance company, the policy number, and dates of coverage, or the permit to self-insure.

(Sections 7.13 through 7.19, inclusive, reserved for future expansion.)

SEC. 7.20. AMUSEMENT DEVICES.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

- A. "Game of skill" – Any device excepting pool and billiard tables, bowling alleys and shooting lanes, but including miniatures thereof, played by manipulating special equipment and propelling balls or other projectiles across a board or field into respective positions whereby a score is established, which is available to be played by the public generally at a price paid either directly or indirectly for such privilege.
- B. "Coin amusement" – Any machine which upon the insertion of a coin, token or slug, operates or may be operated and is available to the public generally for entertainment or amusement, which machine emits music, noise or displays motion pictures.
- C. "Video game" – Any electrical device which displays objects on a screen and upon insertion of a coin, token or slug may be played by the public generally for entertainment or amusement.
- D. "Amusement device" – Includes a game of skill, a coin amusement, or a video game, as defined in this Subdivision, or any combination thereof.
- E. "Distributor" – The person who places amusement devices on premises not owned by him or under his control, which devices may be played by the public generally for a price paid either directly or indirectly.
- F. "Arcade" – A contiguous area in which more than six (6) amusement devices are kept for use by the public generally.

Subd. 2. License Required. It is unlawful for any person to have upon premises owned or controlled by him (1) any amusement device, or (2) operate an arcade, without a license therefore from the City. It is unlawful for any person to be a distributor without a license therefore from the City.

Subd.3. Exception. This Section shall not apply to video games of chance licensed by the State.

Subd. 4. Unlawful Use and Devices. It is unlawful for any person to: (1) sell or maintain a machine or device which is for gambling or contains an automatic pay-off device; (2) give any prize, award, merchandise, gift, or thing of value to any person on account of operation of such device; (3) sell or maintain, or permit to be operated in his place of business, any amusement device equipped with an automatic pay-off device; (4) equip any amusement device with an automatic pay-off device; (5) permit persons under the age of eighteen years to play or operate any game of skill; or, (6) permit the playing of coin amusement machines between the hours of 1:00 o'clock A.M. and 6:00 o'clock A.M. of any day.

SEC. 7.21. BILLIARDS, POOL AND BOWLING.

Subd. 1. License Required. It is unlawful for any person to keep or maintain any pool, billiard, snooker or other game table, or any bowling alley (bowling lane) available for public use without first having obtained a license from the City.

Subd. 2. Practices Prohibited. It is unlawful for any:

- A. Pool, billiard, snooker or other game table licensee to be open between 1:00 o'clock A.M. and 8:00 o'clock A.M. of any weekday, or between 1:00 o'clock A.M. and 12:00 o'clock noon on any Sunday, and permit use of such licensed facilities.
- B. Licensee to permit any form of gambling thereon.
- C. Licensee to permit any person to become disorderly or to use profane, obscene or indecent language.
- D. Licensee, not having an on-sale liquor license, to sell or possess, or knowingly allow any person on the licensed premises to sell or possess, intoxicating liquor.

SEC. 7.22. TOBACCO.

Subd. 1. Definitions. As used in this Section, the term "tobacco" means and includes tobacco in any form, including but not limited to, cigarettes, cigars, bagged, canned or packaged product.

Subd. 2. License Required. It is unlawful for any person, directly or indirectly, to keep for retail sale, sell at retail, or otherwise dispose of any tobacco in any form unless a license therefore shall first be obtained from the County.

Subd. 3. Restrictions.

- A. Separate licenses shall be issued for the sale of tobacco at each fixed place of business, and no license shall be issued for a movable place of business.
- B. It is unlawful for any person to sell or give away any tobacco in any form to any person under the age of eighteen (18) years.

SEC. 7.23. SOLICITORS.

Subd. 1. Purpose. This Section is not intended to in any way hinder, delay or interfere with legitimate business or organizational activities. The Council finds, however, that solicitors have used public streets for their direct contact with residents of the City for the illegitimate solicitation practices of harassment, nuisance, theft, deceit, or menacing, troublesome or unlawful activities. This Section is intended to ferret out and control: (1) businesses and organizations using solicitation as a means of concealing unlawful activities; and, (2) businesses and organizations which, though its activities be lawful or even commendable, use such illegitimate practices in solicitation; and, (3) individual natural persons who, though they represent lawful businesses and organizations, use such illegitimate solicitation practices. The Council further finds that a large number of the residents of the City are employed as their livelihood and means of support by manufacturing plants and other businesses on shifts rotating between night and day, and to disturb them during their sleeping hours for the purpose of solicitation is a source of nuisance or even harassment and should be subject to control.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

- A. "Solicitor" means any person making the solicitations, including such common terms as "peddler", "transient merchant" and "canvasser".
- B. "Solicitee" means the person solicited.
- C. "Goods" means any tangible thing of value including money if the selling price exceeds the face value thereof. The term includes such chattels as are furnished or used at the time of sale or subsequently in the modernization, rehabilitation, repair, alterations, improvement or construction of real property so as to become a part thereof whether or not severable therefrom.
- D. "Services" means work, labor, or services of any kind.
- E. "Established place" means real estate in the City owned, leased on a month-to-month or term-certain longer than thirty (30) days. The term includes a booth, compartment, or area leased or assigned during and for the length of an event or occasion.

- F. “Business solicitation” means an attempt by a solicitor, engaging in transactions of the same kind, to sell or distribute for a consideration any goods or services primarily for person, family, or household purposes, when either the solicitor or person acting for him contacts the solicitee by telephone or in person, other than at the established place of business of solicitor except: (1) an attempted solicitation in which the solicitee personally knows the identity of the solicitor, the name of the business firm or organization he represent, and the identity or kinds of goods, services or things of value offered; or, (2) an attempted solicitation in which the solicitee has first initiated the contact with the solicitor; or, (3) an attempted solicitation of a newspaper subscription in which the solicitor is a minor child engaged in both the delivery and sale of the newspaper; or, (4) an attempted solicitation for the sale of products of a farm or garden occupied or cultivated by the solicitor, when facts of such occupancy or cultivation are proven by the solicitor.
- G. “Contribution solicitation” means an attempt by a solicitor to obtain from a solicitee for any cause or purpose, when either the solicitor or person acting for him contacts the solicitee by telephone or in person other than at the established place of meeting, business, service, or activity of the organization represented by the solicitor, except: (1) an attempted solicitation in which the solicitee personally knows the identity of the solicitor, the name of the organization he represents, and the identity of the services performed or offered by the organization, or, (2) an attempted solicitation in which the solicitee has first initiated the contact with the solicitor or the organization represented by him.

Subd. 3. Prohibited Solicitation Practices.

- A. It is unlawful for any solicitor to engage in solicitation for any unlawful business or organizational purpose or activity.
- B. It is unlawful for any solicitor to practice harassment, nuisance, theft, deceit, or menacing, troublesome or otherwise unlawful activities during the course of solicitation.
- C. It is unlawful for any solicitor to enter, or attempt to gain entrance, to residential premises displaying at such entrance a sign at least 3-3/4 inches long and 3-3/4 inches high with the words “Peddlers and Solicitors Prohibited” or “Solicitors Prohibited” in type not smaller than 48 point.

- D. It is unlawful for any solicitor to refuse to leave business premises when requested by the owner, lessee, or person in charge thereof.
- E. It is unlawful for any person to engage in contribution solicitation without completion of licensing or registration as herein provided.
- F. It is unlawful for any person to engage in business solicitation without a license as herein provided.

Subd. 4. Application. Applications for licensing or registration shall contain the name and address of the solicitor, the name and address of the business or organization for which solicitations are sought and such other information as may reasonably be required by the Council as a condition to registration or licensing or to permit investigation into the applicant's background and past solicitation practices. No application for a business solicitor's license shall be complete unless it is accompanied by a valid and current license issued by the County in which such solicitor proposes to engage in solicitations.

Subd. 5. Investigation, Approval or Disapproval.

- A. All applications for licensing or registration shall be immediately referred to a peace officer for investigation as to the truth thereof. Such peace officer shall have five (5) business days within which to investigate and make recommendation thereon.
- B. If he finds no past history of the applicant indicating violations similar to those declared unlawful in this Section he shall recommend issuing a license or approving registration, as the case may be, and the Clerk Administrator shall forthwith advise the applicant. The Clerk Administrator shall issue a license, upon payment of the fee therefore, to the approved applicant for business solicitations, and shall approve the completion of registration by the applicant for a contribution solicitor.
- C. If the peace officer finds a past history of the applicant indicating violations similar to those declared unlawful in this Section, he shall recommend denial of the license or registration. In all matters of recommended denial the applicant shall be forthwith advised thereof, and the application shall be referred to the council and considered by it at its next regular or special meeting occurring more than ten (10) days thereafter. The applicant shall be afforded an opportunity to be heard at such meeting.

Subd. 6. Duration of Contribution Solicitation Registration. Registration of contribution solicitation shall expire sixty (60) days after registration is approved.

Subd. 7. Exclusions. The City may exclude certain classes of solicitor events from compliance with licensing or registration provisions of this Section. Provided, however, that such exclusion shall not extend to the prohibited solicitation practices set forth in Subdivision 3, Subparagraphs A through D, inclusive, of this Section.

SEC. 7.24. GARBAGE AND REFUSE HAULERS.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

- A. "Garbage" means all putrescible wastes, including animal offal and carcasses of dead animals but excluding human excreta, sewage and other water-carried wastes.
- B. "Other refuse" means ashes, glass, crockery, cans, paper, boxes, rags and similar non-putrescible wastes but excluding sand, earth, brick, stone, concrete, trees, tree branches and wood.

Subd. 2. License Required. It is unlawful for any person to haul garbage or other refuse for hire without a license therefore from the City, or to haul garbage or other refuse from his own residence or business property other than as herein excepted.

Subd. 3. Exception. Nothing in this Section shall prevent persons from hauling garbage or other refuse from their own residences or business properties provided the following rules are observed: (1) that all garbage is hauled in containers that are water-tight on all sides and the bottom sand with tight-fitting covers of top, (2) that all other refuse is hauled in vehicles with leak-proof bodies and completely covered or enclosed by canvas or other means or material so as to completely eliminate the possibility of loss of cargo, and, (3) that all garbage and other refuse shall be dumped or unloaded only at the designated sanitary land-fill.

Subd. 4. Hauler Licensee Requirements.

- A. Hauler licenses shall be granted only upon the condition that the licensee have water-tight, packer-type vehicles in good condition to prevent loss in transit of liquid or solid cargo, that the vehicle be kept clean and as free from offensive odors as possible and not allowed to stand in any street longer than reasonably necessary to collect garbage or refuse, and that the same be dumped or unloaded only at the designated sanitary land-fill, and strictly in accordance with regulations relating thereto.
- B. Before a garbage and refuse hauler's license shall be issued, the applicant shall file with the Clerk Administrator evidence that he has

provided public liability insurance in such amount as the Council shall deem proper.

- C. The Council, in the interest of maintaining healthful and sanitary conditions in the City, hereby reserves the right to specify and assign certain areas to all licensees, and to limit the number of licenses issued.
- D. Each applicant shall file with the Clerk Administrator, before a garbage and refuse hauler's license is issued or renewed, a schedule of proposed rates to be charged by him during the licensed period for which the application is made. The schedule of proposed rates, or a compromise schedule thereof, shall be approved by the Council before granting the license. Nothing herein shall prevent a licensee from petitioning the Council for review of such rates during the licensed period, and the Council may likewise consider such petition and make new rates effective at any time. No licensee shall charge rates in excess of the rates approved by the Council.

SEC. 7.25. FIREWORKS REGULATION AND LICENSES

Subd. 1. Purpose and Findings.

The purpose of this Section is to regulate the sale of permitted consumer fireworks in order to protect the health, safety, and welfare of the general public. The City Council makes the following findings regarding the need to license and regulate the sale, distribution, storage, and display of fireworks permitted under State law:

- (a) Consumer fireworks contain pyrotechnic chemical compositions that are combustible; accordingly, the unregulated accumulation, storage, display, and sale of these items present a fire safety hazard.
- (b) The improper disposal of consumer fireworks presents environmental hazards.
- (c) Regular inspection, sampling and testing of the consumer fireworks being offered for sale is necessary to assure compliance with the limitations set forth in Minnesota Statutes 624.20, Subd. 1(c), as to chemical content.
- (d) Regular police inspections are necessary to prevent the sale of these materials to minors.
- (e) Regular inspections by the City Fire Chief or City Fire Marshall are necessary to prevent improper display, storage, and disposal of consumer fireworks.

(f) Accurate information concerning the addresses and locations of persons dealing in permitted consumer fireworks in the City is necessary to facilitate the inspection of the premises for compliance with necessary safety regulations and performance standards and to assist the City in responding to any emergency situation arising out of or adjacent to this business.

Subd. 2. Definitions.

The following words and terms, when used in this Section, shall have the following meanings unless the context clearly indicates otherwise:

Adult – a person 18 years of age or older.

Business – refers to the business of selling, storing or displaying any form of permitted consumer fireworks.

Issuing authority – the City of Claremont.

Licensed premises – the premises described in the approved license application and approved site plan for the sale, display and storage of permitted consumer fireworks.

Licensee – the person to whom a license is issued under this Section, including any agents or employees of the person.

Permitted consumer fireworks – those non-explosive, non-aerial pyrotechnic entertainment devices containing only the limited amounts of pyrotechnic chemical compositions permitted by Minnesota Statutes Section 624.20, Subd. 1(c).

Person – one (1) or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic or nonprofit corporation; a trust; a political subdivision of the State; or any other business organization.

Subd. 3. License Required.

No person shall keep for retail sale or wholesale distribution, sell at retail or wholesale, or otherwise supply or furnish as part of a commercial transaction any permitted consumer fireworks without first having obtained a current license hereunder, paid the required license fee and conspicuously posted the license on the licensed premises. Issuance of a license under this Section shall not relieve the person from obtaining any other licenses required by City Ordinance Code, state law or federal law to conduct this or other business at the same or any other location.

Subd. 4. License Fee and Term of License.

(a) The annual license fee shall be in the amount duly established by the Council from time to time. The license fee shall cover the administrative and enforcement costs. Full payment of the required license fee shall accompany the application.

(b) When the license is for premises not ready for occupancy, the time fixed for computation of the license fee for the initial license period shall be ninety (90) days after approval of the license or upon the date the building is ready for occupancy, whichever is sooner.

(c) When a new license application is submitted as a result of incorporation by an existing licensee and the ownership, control, and interest in the license are unchanged, no additional fee shall be required.

(d) A separate fee and license shall be required for each separate, non-contiguous licensed premises, even if owned and operated by the same licensee. An application for the renewal of an existing license shall be made prior to the expiration date of the license and shall be made in such form as the Issuing Authority requires.

(e) The annual license expires December 31st of each year.

(f) The annual license fee of each retail seller that is in the business of selling only the permitted consumer fireworks as described by Minn. Stat. 624.20, Subd. 1(c), may not exceed \$350.00, and the annual license fee of each other retail seller may not exceed \$100.00.

Subd. 5. License Application.

An application for a license under this Section shall be made on a form supplied by the Issuing Authority and shall contain the following information:

(1) Whether the applicant is a natural person, corporation, partnership or any other business association or organization.

(2) The applicant's full legal name, mailing address, and telephone number.

(3) The street address or legal description of the premises to be licensed and the zoning district.

(4) Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts that are unpaid.

(5) If the applicant does not own the business premises, a true and correct copy of the current, executed lease, as well as, the written authorization of the property owner for the applicant's use of the property for the sale of permitted consumer fireworks.

(6) The applicant's hours of operation, description of on-site management and parking facilities.

(7) The full name, mailing address, and telephone number of the person in charge of the licensed premises.

(8) Such other information as the Issuing Authority may require.

Subd. 6. Persons and Locations Ineligible for a License.

(a) Persons Ineligible. No original or renewal license under this Section shall be issued to an applicant if such applicant or any manager, proprietor, or agent in charge of the business to be licensed:

(1) Is not eighteen (18) years of age or older on the date the license application is submitted to the Issuing Authority;

(2) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes Section 364.03, Subd. 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a purveyor of permitted consumer fireworks as prescribed by Minnesota Statutes Section 364.03, Subd. 3;

(3) Has knowingly falsified or misrepresented information on the license application;

(4) Is not the real party in interest in the business being licensed; or

(5) Owes taxes, assessments, fines, or other obligations to the United States, State, County, School District, or City that are due and delinquent.

(b) Locations Ineligible. The following locations shall be ineligible for a license under this Section:

(1) Claims Due. No license shall be granted or renewed for operation on any property on which taxes, assessments, or other financial claims of the United States, State, County, School District, or City are due, delinquent, or unpaid. In the event a suit has been commenced under Minnesota Statutes Sections 278.01-278.13, questioning the amount or validity of taxes, the City Council may on application waive strict compliance with this provision; no waiver may be

granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one (1) years after becoming due.

(2) **Improper Zoning.** No license shall be granted if the property is not properly zoned for the activity being licensed under this Section of this Code, unless the business is a legal, nonconforming use.

Subd. 7. License Restrictions.

(a) **License Display.** A license issued under this Section must be posted in a conspicuous place on the premises for which it is used.

(b) **Licensed Premises.** A separate license is required for each place of business.

(c) **Change in Ownership.** Any change, directly or beneficially, in the ownership of the licensed business shall require the application for a new license and the new owner must satisfy all current eligibility requirements.

(d) **Non-transferable.** Each license under this Section shall be issued to the applicant only and shall not be transferable to any other person. No licensee shall loan, sell, give or assign a license to another person.

(e) **Smoking, matches, open flames, spark-producing devices, and firearms** shall not be permitted inside of the licensed premises or an approved storage building or within 25 feet (7.6 m) of stored consumer fireworks. Signs that read “FIREWORKS NO SMOKING” in letters not less than 4 inches (101.6 m) in height on a contrasting background shall be conspicuously posted.

(f) **No consumer fireworks** shall be stored within 50 feet of any dispensing unit for flammable liquids or gases.

(g) **Portable fire-fighting equipment** shall be provided in consumer fireworks storage areas as required by the authority having jurisdiction.

Subd. 8. Restrictions Regarding Operation.

(a) **Prohibited Transactions.** No licensee, clerk, agent or employee thereof shall sell, distribute or furnish any permitted consumer fireworks to a person under the age of eighteen (18) years, any person who is obviously intoxicated, chemically impaired or incompetent, or any person who fails to present competent age identification in the form of a current, valid Minnesota driver’s license, current, valid Minnesota identification card, or current, valid photo driver’s license or photo identification issued by another state or a province of Canada.

(b) **Maintenance of Order.** A licensee under this Section shall be responsible for the conduct of the business being operated and shall maintain conditions of order.

(c) Smoking Prohibited. Open Fires. A licensee under this Section must strictly prohibit any cigarette, cigar, pipe smoking, or any other open fires in or around the licensed premises and conspicuously post and maintain appropriate “NO SMOKING” signage throughout.

(d) Proper Disposal of Unsold Permitted Consumer Fireworks. It shall be the responsibility of the licensee to properly dispose of all unsold permitted consumer fireworks. Any consequential cost to the City for disposal of these goods shall be the ultimate responsibility of the licensee.

(e) Confiscation and Destruction of Illegal Fireworks. Any authorized agent of the Issuing Authority may seize, take, remove or cause to be removed all stocks of fireworks or other combustibles offered or exposed for sale, stored or held in violation of this Section or applicable state or federal law. Any consequential cost to the City for disposal of these goods shall be the ultimate responsibility of the licensee.

Subd. 9. Sanctions for License Violations.

(a) Suspension or Revocation. The City Council may suspend or revoke a license issued pursuant to this Section for a violation of:

(1) Fraud, misrepresentation, or false statement contained in a license application or a renewal application.

(2) Fraud, misrepresentation, or false statement made in the course of carrying on the licensed occupation or business.

(3) Any violation of this Section or federal, state law, or other municipal ordinance.

(4) A licensee’s criminal conviction that is directly related to the occupation or business licensed as defined by Minnesota Statutes Section 364.03, Subd. 2, provided that the licensee cannot show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation or business as defined by Minnesota Statutes Section 364.03, Subd. 3.

(5) Conducting the licensed business or occupation in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the community.

(b) Notice of Hearing. A revocation or suspension by the City Council shall be preceded by written notice to the licensee and a hearing. The notice shall give at

least eight (8) days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice shall be mailed by regular and certified mail to the licensee at the most recent address listed on the license application.

Subd. 10. Penalty.

A violation of this Section shall be a misdemeanor.

Subd. 11. Severability.

If any section, subsection, sentence, clause, or phrase of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Section. The City Council hereby declares that it would have adopted this Section and each section, subsection, sentences, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Sec 7.25 was adopted by Claremont City Council on 12/13/2011

(Sections 7.26 through 7.98, inclusive, reserved for future expansion.)

SEC. 7.99. VIOLATION A MISDEMEANOR.

Every person who violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.