

## CHAPTER V. MUNICIPAL REGULATIONS AND LICENSING

### 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 provisions of this part.

**Subd. 2. Acts Prohibited.** No personnel shall conduct any activity or use of property for which a license or permit is required by law or this Code in violation of Minnesota law or without a current valid license or permit for such activity or use.

**Subd. 3. Application.** Every application for a license shall be made to the City Clerk, accompanied by the prescribed fee. The Council shall take action on such application. Rejection of the application by the Council shall require a return of the application fee to the applicant.

**Subd. 4. Bond and/or Insurance.** Where a bond and/or insurance may be required by state law or local ordinance, it shall be approved by the City Attorney and shall be filed with the Clerk prior to license or permit being issued.

#### 501.02 Fees.

**Subd. 1. Fees Established.** Except as otherwise stated in this Code, the annual fees for the various licenses and permits shall be as hereinafter stated.

1. Animal License.....\$  
20.00 (lifetime)
2. Catering.....\$  
75.00
3. Vending and other coin operated machines.....\$ 20.00 (per  
machine)
4. Garbage Hauler.....  
.....\$175.00
5. Gas Station.....\$ 75.00 (first  
nozzle)
6. Gas Station.....\$25.00 (each additional

nozzle)

- 7. Grocery.....  
\$300.00
- 8. Massage.....  
\$150.00
- 9. Restaurants.....  
\$150.00
- 10. General Business.....  
.....\$50.00
- 11. Car Wash.....  
\$150.00

**Subd. 2. Pro Rated Fees.** Fees shall be pro-rated on a schedule of full months.

**501.03 Duration of License.**

A license shall describe with particularity the purpose and premises, if any, for which it is granted, the name of the person to whom it is granted, the date granted, and shall be valid for a calendar year or the part of a year for which it is issued. All licenses shall expire on December 31.

**501.04 Transfers.**

No license may be transferred to another person or to another location if it applied to specific premises without specific Council approval. A corporation is deemed to have come within the provisions of this section if over 50% of the stock of the corporation is transferred or if there are any changes in the officers or directors of the corporation.

**501.05 Inspection.**

Any city official or police official may inspect and examine any licensee, his business or his premises during his business hours to enforce compliance with application provisions of this Code.

**501.06 Duties of licensee.**

Every licensee and permittee shall display the license or insignia provided and shall permit at reasonable times inspection of his business and examination of his books and records by authorized officers and employees.

### **501.07 Suspension or Revocation.**

The Council may suspend for a period not exceeding 60 days, or may revoke any license or permit for violation of any provision of law, ordinance or regulation applicable to the licensed or permitted activity or property. Except where mandatory revocation is provided by law without notice and hearing, and except where suspension may be made without hearing, the holder of a license or permit shall be granted a hearing upon at least 10 days' notice before revocation or suspension is ordered. The notice shall state the time and place of the hearing and the nature of the charges.

## **Part 2. Permits or**

### **Licenses Required 502.01 License Required.**

Permits or licenses are required for the following:

**Subd. 1. Dogs.** No person shall keep any dog within the City without securing an animal license therefore from the Clerk, who shall keep a record of all licenses issued and shall issue a metal tag for each license, which shall be permanently affixed to the collar of the dog so licensed in a manner that the tag may be easily seen. No dog shall be permitted to run at large within the limits of the City. This restriction does not prohibit the appearance of any dog upon the streets or public property when the dog is on a leash and is kept under control of the person charged with its care.

**Subd. 2. Cigarette Sales.** No person shall directly or indirectly, or by means of any device, keep for retail sale, sell at retail or otherwise dispose of any cigarettes or tobacco at any place within the City unless a license therefore is obtained in accordance with this chapter.

**Subd. 3. Gasoline Sales.** No person shall carry on or be engaged in the trade or business of selling gasoline, naphtha or benzene or other explosive petroleum products, either at wholesale or retail, at any place within the City unless a license therefore is obtained in accordance with this chapter.

**Subd. 4. Restaurants and Eating Houses.** No person shall keep, operate or maintain a restaurant or eating-house within the City unless a license therefore has been obtained in accordance with this chapter. A restaurant or eating-house is defined as any building or structure kept, used or maintained where meals are sold. The holder of any license issued hereunder shall comply with all health and sanitary regulations of the State of Minnesota, Department of Health, and the City of Lily dale. Conduct of

his business by any licensee hereunder in an unclean or unsightly manner contrary to or in violation of any regulation of the State of Minnesota, Department of Health, Police or Fire Departments, or City Council for the City of Lilydale shall be grounds for the revocation of the license hereunder.

**Subd. 5. Liquor, Beer and Wine.** (See Chapter VI of this Code.)

**Subd. 6. Marinas.** No person shall carry on or be engaged in the trade or business of docking, storing or selling boats within the City unless a license therefore is obtained in accordance with this chapter. Any boats stored within the City pursuant to a license granted hereunder shall be stored in such a manner as to not create a fire hazard in the City. Any gasoline offered for sale or stored on the premises shall be placed in tanks or containers and may be required by the City Council to be placed underground or such distance from the storage facilities as not to create a fire hazard. In the event boat-docking facilities are provided for pursuant to the license granted hereunder, reasonable hours shall be maintained when the docking facilities will be opened to the general public so as not to cause a nuisance to the citizens of the City. This subdivision shall not apply to private boat docks or landings and storage facilities where three or less boats are docked and stored, and shall further not apply to private clubs or organizations whose main business or purpose is other than docking, storage or sale of boats.

**Subd. 7. Public Dances.** No person shall conduct public dances within the City unless a license therefore is obtained in accordance with this chapter. All licensees hereunder shall conform to all rules and regulations of the City of Lilydale and the State of Minnesota regarding health, fire and police protection of the premises licensed for public dances.

**Subd. 8. Landfill.** No person shall commence any landfill operation on any property within the City unless a permit therefore is obtained in accordance with this chapter. Any person desiring to commence a landfill operation within the City of Lilydale shall submit an application through the City Clerk accompanied by the following information:

- (1) Legal description of property for which the permit is sought;
- (2) Topographical copy of maps showing present elevations and proposed elevations;
- (3) Type of fill materials to be used;
- (4) Satisfactory evidence that the matter has been submitted to the staff of the Metropolitan Council and a copy of their feasibility report or evidence that no action has been taken by the Metropolitan Council for a period of at least 30 days.
- (5) Legal ownership of property and adjacent property;
- (6) Names and mailing addresses of legal owners and occupants of all

property and abutting property proposed to be filled, or receipt of report from certified abstractor.

**Subd. 9. Signs.** (See Chapter IX, Sec. 903.08, of this Code.)

**Subd. 10. Barber Shop.** No person shall keep, operate or maintain a barbershop within the City unless a license therefore has been obtained in accordance with this chapter. The holder of any license issued hereunder shall comply with all health and sanitary regulations of the State of Minnesota, Department of Health, and the City of Lilydale. Conduct of this business by a licensee hereunder in an unclean or unsightly manner contrary to or in violation of any regulation of the State of Minnesota, Department of Health, Police or Fire Department, or City Council of the City of Lilydale shall be grounds for the revocation of the license hereunder.

**Subd. 11. Beauty Shop.** No person shall keep, operate or maintain a beauty shop within the City unless a license therefore has been obtained in accordance with this chapter. The holder of any license issued hereunder shall comply with all health and sanitary regulations of the State of Minnesota, Department of Health, and the City of Lilydale. Conduct of this business by any licensee hereunder in an unclean or unsightly manner contrary to or in violation of any regulation of the State of Minnesota, Department of Health, Police or Fire Department, or City Council of the City of Lilydale shall be grounds for the revocation of the license hereunder.

**Subd. 12. Soft Drink.** No person shall carry on or be engaged in the business of selling soft drinks at any place within the City unless a license therefore is obtained in accordance with this chapter.

**Subd. 13. Phonograph, Juke Boxes, and Other Similar Music Playing Devices.** No person shall keep/ operate or maintain phonographs, jukeboxes, or other similar music playing devices as part of his business within the City unless a license therefore is obtained in accordance with this chapter.

**Subd. 14. Bowling Machines, Pinball Machines, Pool Tables or Machines or Other Games.** No person shall keep, operate or maintain bowling machines, pinball machines, pool tables or machines or other games as part of his business within the City unless a license therefore is obtained in accordance with this chapter.

**Subd. 15. Dog Kennel.** No person shall keep, operate or maintain a dog kennel business with the City unless a license therefore is obtained in accordance with this chapter.

**Subd. 16. Food and Beverage Dispensers.** No person shall keep, operate or maintain food and beverage dispensers as part of his business within the City unless a license therefore is obtained in accordance with this chapter.

**Subd. 17. Auto Repair Business.** No person shall keep, operate or maintain an auto repair business within the City unless a license therefore

is obtained in accordance with this chapter.

**Subd. 18. Lawn Service.** No person shall keep, operate, or maintain a lawn service business within the City unless a license is therefore obtained in accordance with this chapter.

**Subd. 19. Other Businesses.** No person shall keep, operate or maintain any business not otherwise enumerated in this Chapter unless a license therefore has been obtained in accordance with this Chapter.

## **502.02 SOLICITORS AND WAGON VENDORS**

### **Subd. 1. DEFINITIONS**

- (1) Solicitor - For the purposes of this ordinance, a solicitor is defined to be any person who goes from house to house, or from place to place, in the city, selling or taking orders for, or offering to sell or take orders for, goods, wares or merchandise, or any articles for future delivery, or for services to be performed in the future, or for making, manufacturing or repairing any article or thing for future delivery.
- (2) Wagon Vendor - For the purposes of this ordinance, a wagon vendor is defined as any person who sells any merchandise, including flowers, paintings, popcorn, soft drinks, ice cream or other confectionery from a wagon, truck, automobile, pushcart, trailer, or other vehicle, or out in the open or from a temporary structure.

### **Subd. 2. LICENSE REQUIRED, EXEMPTIONS**

- (1) It shall be unlawful for any person to act within the city as a solicitor or wagon vendor, within the meaning of this ordinance, without first securing a license from the city clerk in accordance with the provisions of this ordinance.
- (2) This Ordinance does not apply to any canvassing or soliciting for the purpose of charitable, religious, educational or political organization if such organization is registered with the Secretary of State pursuant to the provisions of Section 309.52 M.S.A. as a charitable organization or exempted pursuant to the provisions of Section 309.51 M.S.A. or to solicitation of orders for future door-to-door delivery of newspapers.

### **Subd. 3. APPLICATION FOR LICENSE**

#### (1) Solicitor

A. Any applicant for a license to engage, in the city, in the business of a solicitor shall file with the city clerk-treasurer a written application for such license, on a form to be provided, stating the name and address of the applicant, the name and address of the person, firm or corporation which he or she represents, the kind of goods offered for sale or the kind of service performed.

B. In the event that the applicant, or the firm that he or she represents,

does not maintain a permanent local address, the applicant will provide the name, local address and telephone number of a supervisor, crew leader or other person responsible for the activities of the applicant and the policies of the firm or corporation.

(2) Wagon Vendor

A. Application for a wagon vendor's license shall be made to the city clerk-treasurer on a form to be provided by the city clerk-treasurer.

B. The applicant for a wagon vendor's license shall specify when, and in what area of the city he or she desires to operate, and what goods he or she intends to sell. The license, when issued, shall be limited to such times, locations, and goods.

C. Residents of the city shall be accorded preference in the issuance of permits and the designation of territories. Not more than one license shall be granted for a specific area or portion of the city unless specifically authorized by the city council.

**Subd. 4. LICENSE FEES**

(1) The fee for a solicitor's license shall be \$10.00 per solicitor, per day.

(1) The fee for a wagon vendor's license shall be \$10.00, per day per location

**Subd. 5 EXHIBITION OF LICENSE**

(1) Every person operating as a wagon vendor in the city shall prominently display his or her license upon his or her vehicle, structure or the property on which sales are taking place, in such a manner as to be immediately visible.

(2) Every person operating as a solicitor within the city shall have his or her license in his or her possession at all times, and shall produce and show such license when requested to do so by any police officer, or citizen.

(3) No person shall use, attempt to use, or display a license issued to another person.

**Subd. 6 RESPONSIBILITIES, HOURS OF OPERATION**

(1) No person issued a license under this ordinance shall conduct his or her business in such a manner as to annoy other persons or become a nuisance or obstruct any street, or public place, within the city. All persons issued a license under this ordinance shall be responsible for any materials emanating from his or her operation and shall not permit debris, paper, bottles, cartons or other waste to be deposited on any public or private

property.

- (2) No person operating as a wagon vendor or solicitor, as defined in this ordinance, shall conduct his or her business within the City before 8:00 a. m. or after 6:00 p.m.
- (3) No person acting as a solicitor, as defined in this ordinance, shall conduct his or her business on Sunday.
- (4) No license will be issued for use on private property unless written permission is obtained from the property owner and presented to the Clerk-Treasurer.

#### **Subd. 7 PENALTIES**

Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor.

#### **502.03 PAWNBROKERS AND**

#### **PRECIOUS METAL DEALERS Subd. 1.**

#### **PURPOSE**

The City Council finds that pawnbrokers and precious metal dealers potentially provide an opportunity for the commission of crimes and their concealment because such businesses have the ability to receive and transfer stolen property easily and quickly. The City Council also finds that consumer protection regulation is warranted in transactions involving pawnbrokers and precious metal dealers. The purpose of this Section is therefore to prevent pawn broking and precious metal businesses from being used as facilities for commission of crimes and to assure that such businesses comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens of the City.

#### **Subd. 2. DEFINITIONS**

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

- (1) Issuing Authority - The City of Lilydale.
- (2) Item Containing Precious Metal - An item made in whole or in part of metal and containing more than one (1) percent by weight of silver, gold, or platinum.
- (3) Minor - Any natural person under the age of 18 years.
- (4) Pawnbroker - A person who loans money on deposit or pledge of personal property or other valuable thing; who deals in the purchasing of personal property or other valuable thing on condition of selling that same back again at a stipulated price; or who loans money secured by chattel

mortgage or on personal property, taking possession of the property or any part thereof so mortgaged. To the extent that a pawnbroker business includes buying personal property previously used, rented, or leased, the provisions of this Section

shall be applicable. Any bank, savings and loan association, or credit union shall not be deemed a pawnbroker for purposes of this Division.

(5) Person - One 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.

(6) Precious Metal Dealer - Any person engaging in the business of buying coins or secondhand items containing precious metal, including, but not limited to, jewelry, watches, eating utensils, candlesticks, and religious and decorative objects. Persons

conducting the following transactions shall not be deemed to be Precious Metal Dealers:

A. Transactions at occasional "garage" or "yard" sales, or estate sales or farm auctions held at the decedent's residence, except that precious metal dealers must comply with the requirements of Minnesota Statutes, Sections 325F.734 to 325F.742, for these transactions.

B. Transactions regulated by Minnesota Statutes Chapter 80A.

C. Transactions regulated by the Federal Commodity Futures Commission Act.

D. Transactions involving the purchase of precious metal grindings, filings, slag, sweeps, scraps, or dust from an industrial manufacturer, dental lab, dentist, or agent thereof.

E. Transactions involving the purchase of photographic film, such as lithographic and X-ray film, or silver residue or flake recovered in lithographic and X-ray film processing.

F. Transactions involving coins, bullion, or ingots.

G. Transactions in which the secondhand item containing precious metal is exchanged for a new item containing precious metal and the value of the new item exceeds the value of the secondhand item, except that a person who is a precious metal dealer by engaging in a transaction which is exempted by this Section must comply with the requirements of Minnesota Statutes, Sections 325F.734 to 325F.742.

H. Transactions between precious metal dealers if both dealers are licensed under Minnesota Statutes, Section 325F.733, or if the seller's business is located outside of the state and the item is shipped from outside the state to a dealer licensed under Minnesota Statutes, Section 325F.733.

I. Transactions in which the buyer of the secondhand item containing precious metal is engaged primarily in the business of buying and selling antiques, and the items are resold in an unaltered condition except for repair, and the items are resold at retail, and the buyer paid less than \$2,500 for secondhand items containing precious metals purchased within any period of twelve (12) consecutive months.

(7) Precious Metals - Silver, gold, or platinum.

(8) Section - Section 502.03 of this Code.

### **Subd. 3. LICENSE REQUIRED**

No person shall exercise, carry-on, or be engaged in the trade or business of pawnbroker or precious metal dealer within the City unless such person is currently licensed under this Section.

### **Subd. 4. APPLICATION CONTENT**

In addition to any information that may be required by the County pursuant to Minnesota Statutes, Section 471.924, every application for a license under this Section shall be made on a form supplied by the issuing authority and shall contain the following information;

A. If the applicant is a natural person:

(1) The full and complete name, place and date of birth,

street resident address, and phone number of the applicant.

(2) Whether the applicant is a citizen of the United States or

a resident alien.

(3) Whether the applicant has ever used or has been known by

a name other than the applicant's name, and if so, the full and

complete name or names used and information concerning dates

and places where used.

(4) The full and complete name of the business if it is to be

conducted under a designation, full and complete name, or style

other than the name of the applicant and a certified copy of

the certificate as required by Minnesota Statutes, Section

333.01.

(5) The street addresses at which the applicant has lived during the preceding five (5) years.

(6) The type, full and complete name, and location of every business or occupation in which the application has been engaged during the preceding five (5) years and the full and complete name(s) and address(es) of the applicant's employer(s) and partner(s), if any, for the preceding five (5) years.

(7) Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a traffic ordinance. If so, the applicant shall furnish information as to the time, place, and offense for which convictions were had.

(8) The physical description of the applicant.

(9) If the applicant is married:

(a) The full and complete name, place and date of birth, and street address of the applicant's current spouse.

(b) The type, full and complete name, and location of

every business or occupation in which the applicant's

current spouse has been engaged during the preceding five

(5) years.

(c) The full and complete names and addresses of the

employers or partners of the applicant's current spouse

for the preceding five (5) years.

(d) Whether the applicant's current spouse has ever been convicted of any felony, crime, or violation of any ordinance other than a traffic ordinance. If so, the applicant shall furnish information as to the time, place, and offense for which convictions were had.

B. If the applicant is a partnership:

(1) The full and complete name(s) and address (es) of all general and limited partners and all information concerning each general partner required in subpart A of this Section.

(2) The full and complete name(s) of the managing partner(s) and the interest of each partner in the pawnbroker or precious metal dealer business.

(3) A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to Minnesota Statutes, Section 333.01, a certified copy of such certificate

shall be attached to the application.

C. If the applicant is a corporation or other organization:

(1) The full and complete name of the corporation or business form, and if incorporated, the state of incorporation.

(2) A true copy of the Certificate of Incorporation, Articles of Incorporation or Association Agreement, and Bylaws shall be attached to the application. If the applicant is a foreign corporation, a Certificate of Authority as required by Minnesota Statutes, Section 303.06, shall be attached.

(3) The full and complete name of the manager(s), proprietor(s), or other agent(s) in charge of the business and all information concerning each manager, proprietor, or agent required in subpart A of this Section.

(4) A list of all persons who control or own an interest in excess of five (5) percent in such organization or business form or who are officers of the corporation or business form and all information concerning said persons required in subpart A above.

D. For all applicants:

(1) Whether the applicant holds a current pawnbroker or precious metal dealer license from any other governmental unit and whether the applicant is licensed under either Minnesota Statutes, Section 471.924, or Minnesota Statutes, Section 325F.731-325F.744.

(2) Whether the applicant has previously been denied a pawnbroker or precious metal dealer license from any other governmental unit.

(3) The full and complete names, street resident addresses, and business addresses of three residents of Hennepin, Ramsey, Anoka, Carver, Dakota, Washington or Scott County, who are of good moral character and who are not related to the applicant or not holding any ownership in the premises or business, who may be referred to as to the applicant's and/or manager's character.

- (4) The location of the business premises.
- (5) The legal description of the premises to be licensed.
- (6) 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.
- (7) Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application shall be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed. If the plans or designs are on file with the City of Lilydale, no plans need be submitted with the issuing authority.
- (8) Such other information as the issuing authority may require.

#### **Subd. 5. APPLICATION EXECUTION**

All applications and renewal applications for licenses shall be signed and sworn to. If the application is that of a natural person, it shall be signed and sworn to by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

It is unlawful for any applicant to make a false statement or omission upon any application form. Any false statement in such application, or any 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 issued pursuant thereto, void. Prior issuance shall not be effective to protect the applicant from prosecution for violation of this section or any part hereof.

#### **Subd. 6. APPLICATION CONSIDERATION**

1. At the time of making an initial or renewal application, the applicant shall, in writing, authorize the Mendota Heights/Lilydale Police Department to investigate all facts set out in the application and to do a personal background and criminal record

check on the applicant. The applicant shall further authorize the Mendota Heights/Lilydale Police Department to release information received from such investigation to the City Council.

2. Upon receipt of the license application, the City Clerk shall forward a copy to the chief of police ("Chief"). The Chief or an officer designated by the Chief shall investigate the applicant and report the result of such investigation to the City Council together with a recommendation for approval or disapproval. After reviewing the report of the Chief, and upon such other investigation as the City Council may desire, the City Council may, in its discretion, grant or deny the application, except that, prior to the denial of an application the City Council shall conduct a hearing on the license application within a reasonable period

following receipt of the Chief's report and recommendation regarding the application. At least ten (10) days in advance of the City Council hearing on' an application, it shall cause notice of the hearing to be published in the official newspaper of the City, setting forth the day, time, and place of the hearing; the name of the applicant; the premises where the business is to be conducted; and the type of license which is sought. At the hearing, opportunity shall be given to any person to be heard for or against the granting of the license.

3. If an application is granted for a location where a building is under construction or not ready for occupancy, the license shall not be delivered to the licensee until a certification of occupancy has been issued for the licensed premises.

4. Before any person shall be licensed, such applicant shall file a bond in the amount of five thousand dollars (\$5,000) with a duly licensed surety company as surety thereon, such surety bond to be approved as to form by the city attorney, conditioned that such

licensee shall observe the ordinances of the city in relation to the business of pawnbroker and/or precious metal dealer and that such licensee will conduct said business in conformity therewith and will account for and deliver to any person legally entitled thereto any goods, wares or merchandise, article or thing which may have come into possession of such licensee or in lieu thereof such licensee shall pay in money to such person or persons the reasonable value thereof.

5. No change in ownership, control or location of a license shall be permitted except by amendments to the license which amendment must be approved by the City Council.

#### **Subd. 7. RENEWAL APPLICATION**

(1) All licenses issued under this Division shall be effective through December 31 of the calendar year of approval by the City Council. Applications for renewal of an existing license shall be made at least 60 days prior to the date of the expiration of the license, and shall state that everything in the prior application remains true and correct except as otherwise indicated. The City will mail application forms to existing licensees approximately 90 days prior to the expiration of the license. If, in the judgment of the City Council, good and sufficient cause is shown by an applicant for the applicant's failure to submit a renewal application before the expiration of the existing license, the City Council may, if the other provisions of this Article are complied with, grant the renewal application.

(2) A license under this Article will be not renewed;

A. If the City Council determines that the licensee has failed to comply with the provisions of this Section in preceding license years.

B. If the licensee or, if the licensee does not manage the establishment, the manger of the licensed premises is not a resident of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington counties on the date the renewal takes effect.

C. If in the case of a partnership, the managing partner or other person

who manages the establishment is not a resident of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington counties on the date the renewal takes effect.

D. If in the case of a corporation, or other organization, the manager, a proprietor, or agent in charge of the establishment is not a resident of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington counties on the date the renewal takes effect.

E. The time for establishing residence in the above-named counties may for good cause be extended by the City Council.

- (3) A personal background and criminal record check of each applicant will be made by the police department before any license is renewed. The licensee/applicant shall authorize the police department to release information received from such investigation to the City Council.

#### **Subd. 8. FEES**

(1) Application Fee

A. The license application fee shall be as set forth in Section 501.02 of this Code.

B. The license application fee shall be paid in full before the application for a license shall be accepted. Upon rejection of any application for a license or upon withdrawal of any application before City Council approval, the license fee shall be refunded in full to the applicant except where rejection is for a willful misstatement in the license application.

C. When the license is for premises where the building is not ready of 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 by the City Council or upon the date the building is ready for occupancy, whichever is sooner.

D. 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.

(2) Investigation Fee

A. An applicant for any license under this Division shall also deposit with the issuing authority at the time an original application is submitted, \$400.00 to cover the costs involved in verifying the license application and to cover the expense of any investigation needed to assure compliance with this Section. If the investigation and verification process is conducted outside the State of Minnesota, the issuing authority may recover the actual investigation costs in excess of \$400.00.

#### **Subd. 9. PERSONS AND LOCATIONS INELIGIBLE FOR A LICENSE**

- (1) No license shall be issued to an applicant who is a natural person if such applicant:
  - A. Is a minor at the time the application is filed;
  - B. Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, Section 364.03, subdivision 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a pawnbroker or precious metals dealer as prescribed by Minnesota Statutes, Section 364.03, subdivision 3;
  - C. Is not a citizen of the United States or a resident alien;
  - D. Is not of good moral character or repute; or
  - E. Holds an intoxicating liquor license under Chapter VI of this Code.
- (2) No license shall be issued to an applicant that is a partnership if such applicant has any general partner or managing partner:
  - A. Who is a minor at the time the application is filed;
  - B. Who has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, Section 364.03, subdivision 2, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a pawnbroker or precious metals dealer as prescribed by Minnesota Statutes, Section 364.03, subdivision 3;
  - C. Who is not a citizen of the United States or a resident alien;
  - D. Who is not of good moral character or repute; or
  - E. Who holds an intoxicating liquor license under Chapter VI of this Code.
- (3) No license shall be issued to an applicant that is a corporation or other organization if such applicant has any manager, proprietor, or agent in charge of the business to be licensed:
  - A. Who is a minor at the time the application is filed;
  - B. Who has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, Section 364.03, subdivision 2, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a pawnbroker or precious metals dealer as prescribed by Minnesota Statutes Section 364.03, subdivision 3;
  - C. Who is not a citizen of the United States or a resident alien;

D. Who is not of good moral character or repute; or

E. Who holds an intoxicating liquor license under Chapter VI of this Code.

(4) The following locations shall be ineligible for a license

A. No license shall be granted or renewed for operation on any property on which taxes, assessments, or other financial claims of the 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 - 278.03, 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) year after becoming due.

B. No license shall be granted or renewed if the property on which the business is to be conducted is owned by a person who is ineligible for a license under any of the requirements in Subdivision 9, (1) - (3) of this Section, except that a property owner who is a minor or who has been convicted of a crime, other than a crime involving theft, shall not make the premises ineligible under this subsection.

(5) No license shall be issued to an applicant who, in the judgment of the City Council, is not the real party in interest or beneficial owner of the business operated, or to be operated, under the license.

#### **Subd. 10. GENERAL LICENSE RESTRICTIONS**

(1) Recordkeeping - At the time of a receipt of an item of property, the licensee shall immediately record, using the English language, in an indelible ink, in a book or journal, which has page numbers that are preprinted, the following information:

A. An accurate description of the item of property including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such item;

B. The date and time the item of property was received by the licensee;

C. The full and complete name, address, and date of birth of the person from whom the item of property was received.

(2) Inspection of Records - The licensee shall make available the information required in subpart (1) of this Subdivision at all reasonable times for inspection by the City Police Department or issuing authority. The information required in subpart (1) of this Section shall be retained by the pawnbroker or precious metal dealer

for at least four (4) years. Entries in the book or journal shall not be erased, obliterated or defaced in any manner.

(3) Items for Which Daily Reports to Police are Required - For the following items, the licensee shall complete and sign forms approved by the City Police Department or issuing authority and hand deliver or fax the forms daily to the City Police Department:

A. Any item with a serial number, identification number, or

"Operation Identification" number;

B. Cameras;

C. Electronic audio or video equipment;

D. Precious jewelry, gems, and metals;

E. Artist-signed or artist-attributed works of art;

F. Guns;

G. Any item not included in A-F above, except furniture and kitchen or laundry appliances, which the licensee intends to sell for more than two hundred dollars (\$200).

(4) Daily Report Forms - The daily report forms submitted to the City Police Department shall not be erased, obliterated or defaced in any manner, and shall contain the following information: