

TITLE 3
BUSINESS REGULATIONS

CHAPTER 301

GENERAL LICENSE REGULATIONS

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301.01: APPLICATION:

The provisions of this Chapter shall govern the application for and issuance of licenses and permits in the City, except as may otherwise be specifically provided in this Code in regard to particular licenses or permits. (1995 Code)

301.02: APPLICATIONS FOR LICENSES AND PERMITS:

Applications for licenses and permits shall be filed in writing with the City Manager for presentation to the City Council. Each such application shall contain the following information:

- A. Full name, date of birth and residence (or registered office in the case of corporation) of applicant.
- B. Name and address of the location or place of business for which the license or permit is required and the kind of business to be carried on at said address.
- C. Such other information as this Code or the City Manager requires. (1995 Code)

301.03: LICENSE AND PERMIT FEES:

The fees shall be as established by the City Fee Schedule in Section 314.05.

301.04: PRORATING OF LICENSE:

The fee for licenses granted after the commencement of the license year shall be prorated on a quarterly basis unless specified otherwise in this Code. (1995 Code)

301.05: INVESTIGATIONS:

Before granting or denying any license application, the City Council may order such investigation of the applicant, applicant's business or proposed business and the premises on which it is to be conducted as it shall deem necessary. (1995 Code)

301.06: DURATION:

Unless specifically provided for elsewhere in this Code, all licenses or permits shall terminate on June 30 of each year after issuance. (Ord. 597, 4-18-69; amd. 1995 Code)

301.07: DISPLAY OF LICENSE:

Each license shall be displayed by the licensee in a conspicuous place upon the premises. (1995 Code)

301.08: TRANSFER OF LICENSE:

Unless specifically provided for elsewhere in this Code, application for a transfer of a license shall be made to the City Manager. If the transfer is approved by the City Council, a new license shall be issued upon payment of 25% of the annual license fee, prorated for the period of issuance on a quarterly basis. (1995 Code)

301.09: REVOCATION OR SUSPENSION OF LICENSE:

The City Council may suspend or revoke any license for violation of this Code or any State or Federal statute or regulation after following applicable statutory provisions and where none, after reasonable notice and a due process hearing. (1995 Code)

CHAPTER 302 LIQUOR CONTROL

SECTION:

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302.01: ADOPTION OF STATE LAW:

Except where inconsistent with this Chapter, the provisions of Minnesota Statutes, chapter 340A, relating to the definition of terms, licensing, consumption, sales, conditions of bonds and licenses, hours of sales and all other matters pertaining to the retail sale, distribution and consumption of non-intoxicating malt liquor, wine and intoxicating liquor are adopted and made a part of this Chapter as if set out in full. (Ord. 972, 5-13-85)

302.02: LICENSE REQUIRED:

- A. General Requirement: No person, except a wholesaler or manufacturer to the extent authorized under State license, shall directly or indirectly deal in, sell or keep for sale in the City any non-intoxicating malt liquor or intoxicating liquor without a license to do so as provided in this Chapter.
- B. Types of Licenses:
 - 1. Intoxicating liquor licenses shall be of nine (9) kinds: On-sale, On-sale Wine, On-sale Brewer Taproom, Club, Special Sunday, Off-sale, Off-sale Brewery, Off-sale Microdistillery, and On-Sale Microdistillery Cocktail Room. (Ord.1428, 7-24-2012) (Ord. ----, 6-8-15)
 - 2. Non-intoxicating malt liquor licenses shall be of two kinds: On-sale and Off-sale.
- C. Expiration: All intoxicating liquor and non-intoxicating malt liquor licenses shall expire on December 31 of each year.
- D. On-sale Intoxicating Liquor Licenses: On-sale intoxicating liquor licenses shall be issued only to hotels and restaurants and shall permit On-sale of intoxicating liquor only, for consumption on the licensed premises only, in conjunction with the sale of food. For the purposes of this Chapter, the following definitions are adopted:

HOTEL: A hotel is any establishment having a resident proprietor or manager where, in consideration of payment, food and lodging are regularly furnished to transients, which maintains for the use of its guests not less than 50 guest rooms with bedding and other usual, suitable and necessary furnishings in each room, which is provided at the main entrance with a suitable lobby, desk and office for the registration of its guests, which employs an adequate staff to provide suitable and usual service and which maintains, under the same management and control as the rest of the establishment and has, as an integral part of the establishment, a dining room of at least one thousand 1,800 square feet.

Such dining room shall have appropriate facilities for seating not less than one 100 guests at one time. Where the guest seating capacity is between 100 and 174, at least 50% of the gross sales of the restaurant portion of the establishment must be attributable to the service of meals. Where the seating capacity is 175 or more, at least 25% of the gross sales of the restaurant portion of the establishment must be attributable to the service of meals.

RESTAURANT: A restaurant is any establishment, other than a hotel, having appropriate facilities to serve meals, for seating not less than 100 guests at one time and where, in consideration of payment, meals are regularly served at tables to the general public and which employs an adequate staff for the usual and suitable service to its guests.

Where the seating capacity of the establishment is between 100 and 174, at least 50% of the gross sales of the establishment must be attributable to the service of meals. Where the seating capacity is 175 or more, at least 25% of the gross sales of the establishment must be attributable to the service of meals.

- E. **On-sale Wine Licenses:** On-sale wine licenses shall be issued only to restaurants meeting the qualifications of Minnesota Statutes 340A.404, subdivision 5, and shall permit only the sale of wine not exceeding 14% alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food. To qualify for a license under this subsection, a restaurant must have appropriate facilities for seating at least 25 guests at a time, regularly serve meals at tables to the public for a charge and employ an adequate staff. (Ord. 972, 5-13-85)
- F. **On-sale Brewer Taproom License:** On-sale brewer taproom liquor licenses shall permit the licensee to sell intoxicating malt liquor that has been produced for consumption on the premises in accordance with MN Statutes section 340A.26. The license shall be exempt from any accompanying sale of food requirements contained in other on-sale license categories. On-sale Brewer Taproom liquor licenses shall include the following restrictions:
 - 1. The Requirements of section 302.10 shall apply to the closing time of Brewery Taprooms as established in this chapter. (Ord. 1428, 7-16-2012)
- G. **Club License:** Club licenses for the sale of intoxicating beverages to be consumed on the licensed premises may be issued to any clubs meeting the requirements of Minnesota Statute 340A.404, subdivision 1. (1995 Code)
- H. **Special License for Sunday Sales:** A special license authorizing sales on Sunday in conjunction with the serving of food may be issued to any hotel, restaurant or club which has an On-sale license. A special Sunday license is not needed for Sunday sales of wine license.
- I. **Off-sale Intoxicating Liquor Licenses:** Off-sale licenses for the sale of intoxicating liquor shall permit the licensee to sell intoxicating liquor in original packages for consumption off the premises only. Such licenses may be issued in accordance with the provisions of this Chapter.
- J. **On-sale Non-intoxicating Malt Liquor Licenses:** On-sale licenses shall permit the

- licensee to sell non-intoxicating malt liquor for consumption on the premises only.
- K. Off-sale Non-intoxicating Malt Liquor Licenses: Off-sale licenses shall permit the licensee to sell non-intoxicating malt liquor in original packages for consumption off the premises only. (Ord. 972, 5-13-1985)
- L. Off-Sale Brewery Malt Liquor License: Off-sale brewery malt liquor licenses for the sale of intoxicating liquor shall permit the licensee to sell intoxicating liquor that has been produced and packaged on the licensed premises in accordance with MN Statutes section 340A.28(Ord.1406, 4-25-2011)
- M. Temporary On-sale Licenses: Temporary On-sale licenses may be issued to a club or charitable, religious or nonprofit organization in existence for at least three years in connection with social events within the City, for up to three days in accordance with Minnesota Statutes section 340A.404, subdivision 10. (1995 Code)
- N. Temporary On-sale License In Central Park: Upon payment of the fee and submission of a completed application form, the City Manager is authorized to approve a temporary On-sale license for the sale and distribution of non-intoxicating malt liquor to a club, charitable, religious or other nonprofit organization in existence at least three years, for such sale and distribution in Central Park only for a time not to exceed three consecutive days, provided the following conditions are met:
1. Insurance: Proof of liquor liability insurance in an amount equal to and in the form required by subsection 302.03C of this Chapter is filed with the application.
 2. Security Plan: A security plan, approved by the Chief of Police, is filed along with the application.
 3. Hours of Sale: In addition to the limitation on hours found elsewhere in this Code, the hours of sale shall be only during the time that Central Park is open to the public. Sales and distribution shall be located only in a shelter building or a temporary shelter, such as a tent, approved by the City Manager.
- In the event the City Manager denies the application, for any reason, the applicant may appeal the decision of the City Manager to the City Council. (Ord. 1102, 9-23-1991)
- O. Intoxicating Liquors at The Roseville Skating Center: Intoxicating liquor may be sold within controlled areas at the Roseville Skating Center only under the following conditions:
1. The intoxicating liquor may only be sold by the holder of a retail on-sale intoxicating liquor license issued by the City or by an adjacent municipality.
 2. The licensee must be engaged to dispense intoxicating liquor at an event held by a person or organization permitted to use the Roseville Skating Center for such event, and may dispense intoxicating liquor only to persons attending the event.
 3. The licensee must deliver to the City a certificate of insurance providing liquor liability coverage satisfactory to the City, naming the City of Roseville, to the full extent of statutory coverage, as an additional named insured.
 4. All other rules and regulations established by the City relating to the sale or dispensing of intoxicating liquor at the Roseville Skating Center are complied with. (Ord. 972, 5-13-1985) (Ord.1398, 10-18-2010)
- P. Off-Sale Microdistillery Licenses: Off-Sale Microdistillery licenses shall permit the licensee to sell distilled spirits, as that term is defined under Minnesota Statutes section 340A.101, manufactured on-site, subject to all regulations and restrictions contained in this Chapter and Minnesota Statutes section 340A.22 (Ord.----,6-8-2015)
- Q. On-Sale Microdistillery Cocktail Room Licenses: On-Sale Microdistillery Cocktail Room Licenses shall permit the licensee to sell distilled liquor produced by the distiller for consumption on the distiller's premises, subject to all regulations and restrictions contained in this Chapter and Minnesota Statutes section 340A.22. (Ord.----, 6-8-2015)

302.03: APPLICATION:

- A. Requirements: The requirements set forth in this Section shall apply to applications for those licenses named in Section 302.02 of this Chapter.
- B. Form:
 - 1. Information Required: Every application for a license under this Chapter shall state the name of applicant, applicant's age, presentations as to applicant's character, with such references as the City Council may require, applicant's citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long applicant has been in that business at that place and such other information as the City Council may require from time to time.
 - 2. Verification: In addition to containing such information, the application shall be in the form prescribed by the State Liquor Control Director and shall be verified and filed with the City Manager. No person shall make a false statement in an application.
 - 3. Subsequent Data: From time to time, at the request of the City Manager, a licensee will provide data to the City concerning that portion of its revenue attributable to the sale of food and the sale of liquor and/or wine. (Ord. 972, 5-13-1985)
- C. Liability Insurance:
 - 1. Policy Limits: Prior to the issuance or renewal of a license under this Chapter, the applicant shall file with the City Manager a certificate of insurance in a form to be provided by the City covering liquor liability, loss of means of support and pecuniary loss in the amount of (\$500,000.00 of coverage because of bodily injury to any one person in any one occurrence; \$1,000,000.00 because of bodily injury to two or more persons in any one occurrence; \$100,000.00 because of injury to or destruction of property of others in any one occurrence; \$200,000.00 for loss of means of support or pecuniary loss to any one person in any one occurrence; and \$500,000.00 for loss of means of support or pecuniary loss for two or more persons in any one occurrence.
 - 2. Annual Aggregate Limits: Annual aggregate limits as provided by Minnesota Statutes section 340A.409 shall not be less than \$1,000,000.00.
In the event such policy provides for (\$1,000,000.00 annual aggregate limits, said policy shall further require that in the event that the policy limits are reduced in any given year because of the \$1,000,000.00 annual aggregate policy limit, the insurance carrier shall provide the City with written notice of said reduction in policy limits within 30 days of said reduction becoming effective. (Ord. 1175, 10-28-1996)
 - 3. Further Requirements: After the reduction becomes effective, the City Council may require the licensee to take further action with regard to liability insurance in order to protect citizens of the City during the period of the reduced aggregate policy limit.
 - 4. Applicability: The requirements of this Section shall be applicable to new licenses issued after the effective date of this subsection and for renewals applied for after the effective date of this subsection. (Ord. 1046, 9-12-1988)
- D. Approval of Insurance: Liability insurance policies shall be approved as to form by the City Attorney. Operation of a licensed business without having on file with the City, at all times, a certificate of insurance as required in subsection C of this Section is a cause for revocation of the license. All insurance policies shall state that the City will be given ten days' notice, in writing, of cancellation. (Ord. 972, 5-13-1985)
- E. Insurance Not Required: Subsection C of this Section does not apply to licensees who by affidavit establish that they are not engaged in selling any intoxicating or non-intoxicating malt liquor in Central Park and that:
 - 1. They are On-sale 3.2 percent malt liquor licenses with sales of less than \$10,000.00 of 3.2 percent malt liquor for the preceding year;

2. They are Off-sale 3.2 percent malt liquor licenses with sales of less than \$20,000.00 of 3.2 percent malt liquor for the preceding year;
3. They are holders of On-sale wine licenses with sales of less than \$10,000.00 for wine for the preceding year; or
4. They are holders of temporary wine licenses issued under law. (Ord. 1175, 10-28-1996)

302.04: LICENSE FEES:

- A. Annually: Annual license fee shall be as established by the City Fee Schedule in Section 314.05. (Ord. 1379A, 11-17-2008)
- B. Fee:
 1. Payment: \$500.00 of the On-sale intoxicating liquor and wine licenses and the entire license fee for all other licenses shall be paid at the time of application. The remaining balance, if any, shall be paid prior to the time of issuance of the license.
 2. Refund: All fees shall be paid into the General Fund of the City. Upon rejection of any application for a license or upon the withdrawal of the application before approval of the issuance by the City Council, the license fee shall be refunded to the applicant except where the rejection is for willful misstatement on the license application.
 3. Proration: The fee for On-sale intoxicating liquor and On-sale wine licenses granted after the commencement of the license year shall be prorated on a monthly basis. The fee for On-sale non-intoxicating malt liquor licenses granted after the commencement of the license year shall be prorated on a quarterly basis.
 4. Investigation: At the time of each original application for a license, except special club, On-sale non-intoxicating malt liquor and Off-sale non-intoxicating malt liquor licenses, the applicant shall pay, in full, an investigation fee. The investigation fee shall be \$300.00. No investigation fee shall be refunded. (Ord. 972, 5-13-1985; amd. 1995 Code)

302.05: INELIGIBILITY:

No license shall be granted to any person made ineligible for such a license by state law¹. (Ord. 972, 5-13-1985)

302.06: DELINQUENT TAXES AND CHARGES:

No license shall be granted for operation on any premises on which taxes, assessments or other financial claims of the city are delinquent and unpaid. (Ord. 972, 5-13-1985)

302.07: GRANTING OF LICENSE:

- A. Investigation and Issuance: The City Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the City Council shall, in its discretion, grant or refuse the application. At least ten days published notice of the hearing shall be given, setting forth the name of the applicant and the address of the premises to be licensed.
- B. Person and Premises Licensed; Transfer: Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without City Council approval. Before a transfer

¹ M.S.A. §340A.402.

is approved, the transferee shall comply with the requirements for a new application. Any transfer of the controlling interest of a licensee is deemed a transfer of the license. Transfer of a license without prior City Council approval is a ground for revocation of the license. (Ord. 972, 5-13-1985) (Ord. 1390, 3-29-2010)

302.08: CONDITIONS OF LICENSE:

Every license is subject to the conditions in the following subsections and all other provisions of this chapter and any other applicable ordinance, state law or regulation:

- A. Licensee's Responsibility: Every licensee is responsible for the conduct of licensee's place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises, authorized to sell intoxicating liquor there, is deemed the act of the licensee as well and the licensee shall be liable to all penalties provided by this chapter and the law equally with the employee.
- B. Inspections: Every licensee shall allow any peace officer, health officer or properly designated officer or employee of the city to enter, inspect and search the premises of the licensee during business hours without a warrant.
- C. Manager and Server Training: With the exception of temporary on-sale licenses issued pursuant to Section 302.02, subparts k and l, all licensees and their managers, and all employees or agents employed by the licensee that sell or serve alcohol, shall complete, to the City's satisfaction, a city approved or provided liquor licensee training program. Both the City's approval of the training and the required training shall be completed:
 - 1. Prior to licensure or renewal for licensees and managers, or
 - 2. Prior to serving or selling for any employee or agent, and
 - 3. Every year thereafter unless probationary extension is granted for hardship reasons.All licensees shall maintain documentation evidencing that this provision has been met, and produce such documentation as part of each application for licensure or renewal and upon reasonable request made by a peace officer, health officer or properly designated officer or employee of the city pursuant to the inspections provision noted above. An applicant's or licensee's failure to comply with this provision in its entirety is sufficient grounds for denial or non-renewal of a requested license. (Ord. 1243, 11-27-2000) (Ord. 1390, 3-29-2010)

302.09: HOURS OF SALE:

The hours for the sale of intoxicating or non-intoxicating liquor for consumption on the premises shall be those allowed under Minnesota Statute §340A.504. On-Sale brewer taprooms shall be limited to the hours of 8:00a.m. – 1:00a.m., Sunday through Saturday. (Ord. 1428, 7-16-12) (Ord. 1475, 12-8-2014)

302.10: EVACUATION OF ON-SALE ESTABLISHMENTS:

- A. Thirty Minute Restriction: All patrons of an on-sale establishment selling intoxicating liquor or non-intoxicating malt liquor must vacate the premises within 30 minutes of the termination of sales by Minnesota Statute §340A.504. Any patron who remains on the licensed premises or any licensee or licensee's employee who allows a patron to remain on the licensed premises beyond the 30 minute limit is in violation of this subsection. (Ord. 1056, 3-16-1989) (Ord. 1290, 8-11-2003)
- B. Extension of Restriction for Sale of Food: If an on-sale establishment remains open for the sale of food beyond the 30 minute evacuation limit, all intoxicating liquor and non-intoxicating malt liquor must be secured within the 30 minute limit in such a manner as to prevent consumption. Any patron who consumes intoxicating liquor or non-

intoxicating malt liquor on the licensed premises or any licensee or employee of licensee who allows such consumption or allows intoxicating liquor or non-intoxicating malt liquor to remain unsecured on the licensed premises beyond the 30 minute limit is in violation of this subsection. (Ord. 1056, 3-16-1989)

302.11: SALE OUTSIDE OF STRUCTURE ON LICENSED PREMISES:

The sale of wine and intoxicating liquors, pursuant to any of the licenses issued in accordance with this chapter, shall be limited to sale and consumption inside of a structure on the licensed premises, unless the licensee applies for and receives permission from the City Council for sale and consumption outside of a structure on the licensed premises by an endorsement to the license. Issuance of an outside sale and consumption endorsement shall be accomplished as follows:

- A. Application: The licensee shall make written application using forms provided by the city and there shall be a nonrefundable application fee of twenty five dollars (\$25.00) at the time of making application.
- B. Notice: The owners of all property adjacent to the licensed premises will be given written notice of the fact that such an application has been made and of the date and time of the City Council meeting at which the application will be considered by the City Council.
- C. Endorsement: The City Council may, in its discretion, issue such an endorsement or refrain from issuing such an endorsement and may impose conditions to the endorsement such as, but not limited to, screening, time of day limitations and noise limitations. (Ord. 972, 5-13-1985)

302.12: ON-SALE OF INTOXICATING MALT LIQUOR:

The holder of an on-sale wine license who is also licensed to sell non-intoxicating malt liquor and whose gross receipts are at least 60% attributable to the sale of food may sell intoxicating malt liquor at on-sale without an additional license. (Ord. 1021, 9-28-1987)

302.13: OFF-SALE LICENSE REGULATIONS:

In addition to the other requirements of state law or this chapter, the following regulations are applicable to off-sale intoxicating liquor licenses:

- A. Number of Off-Sale Liquor Licenses:
 - 1. The number of Off-sale Liquor Licenses which may be issued is 10.
 - 2. The number of Off-sale Brewery Malt Liquor Licenses is not limited.
 - 3. The number of Off-Sale Microdistillery Licenses is not limited.
(Ord. 1406, 4-25-2011) (Ord.----, 6-8-2015)
- B. Use of License: If a license is not used within one year, the license shall automatically terminate.
- C. Size of Premises: A licensed premises shall have at least 1,600 square feet of sales floor space including sales coolers and excluding walk-in storage coolers.
- D. Considerations: In addition to the other requirements of this chapter and applicable state law in determining whether or not to issue an off-sale license for a particular premises, the City Council shall consider all relevant factors relating to the health, safety and welfare of the citizens of the city such as, but not limited to, effect on market value of neighboring properties, proximity to churches and schools and effect on traffic and parking.
- E. Delivery of Alcoholic Beverages; Identification Required: A person authorized to serve,

sell, or deliver alcoholic beverages must determine through legitimate proof of identification that all deliveries of wine, beer, and alcoholic beverages are accepted only by eligible persons who are 21 years of age or older.

- F. Delivery Records: Upon any delivery of alcoholic beverages off the licensed premises, the seller, purchaser, and delivery recipient (if other than the purchaser) must sign an itemized purchase invoice. The invoice shall detail the time, date, and place of delivery. The licensee must retain the delivery records for a period of one year. The records shall be open to inspection by any police officer or other designated officer or employee of the city at any time. (Ord. 1243, 11-27-2000)
- G. Off-Sale Brewery Malt Liquor Sunday Sales: Subject to all other regulations and restrictions contained in this Chapter and Minnesota Statutes sections 340A.24 and 340.504, Off-sale Brewery Malt Liquor licensees may sell malt liquor in growlers, as that term is defined in Minnesota Statutes section 340A.285, at off-sale on Sundays between the hours of 8:00 a.m. and 10:00 p.m.(Ord. ----, 6-8-2015)

302.14: PROHIBITED CONDUCT:

- A. Policy: Certain acts or conduct on premises licensed pursuant to this chapter or licensed pursuant to Minnesota statutes, chapter 340A, are deemed contrary to public welfare and are prohibited and no license issued pursuant to this chapter or licensed pursuant to Minnesota statutes, chapter 340A, may be held or maintained where such acts or conduct is permitted. (Ord. 808, 11-21-1977)
- B. Prohibited Conduct: The prohibited acts or conduct referred to in subsection A of this section are:
 - 1. The employing or use of any person in the sale or service of beverages in or upon the licensed premises where such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
 - 2. The employing or use of the services of any host or hostess while such host or hostess is unclothed or in such attire, costume or clothing as described in subsection B1 of this section.
 - 3. The encouraging or permitting of any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.
 - 4. The permitting of any employee or person to wear or use any device or covering exposed to view which simulates the breast, genitals, anus, pubic hair or any portion thereof.
 - 5. The permitting of any person to perform acts of or acts which simulate:
 - a. With or upon another person, sexual intercourse, sodomy, oral copulation, flagellation or any sexual acts which are prohibited by law.
 - b. Masturbation or bestiality.
 - c. With or upon another person the touching, caressing or fondling of the buttocks, anus, genitals or female breast.
 - d. The displaying of the pubic hair, anus, vulva, genitals or female breasts below the top of the areola.
 - 6. The permitting of any person to use artificial devices or inanimate objects to depict any of the prohibited activities described in subsections B5a through B5d of this section.
 - 7. The permitting of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.
 - 8. The permitting or showing of film, still pictures, electronic reproductions or other reproductions depicting:
 - a. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral

copulation, flagellation or any sexual acts which are prohibited by law.

b. Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.

c. Scenes wherein a person displays the vulva, or the anus or the genitals.

d. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the activities described in subsections B1 through B7 of this section.

C. Revocation of License: Any license issued pursuant to this chapter, licensed pursuant to Minnesota statutes, chapter 340A, shall be revoked if any of the acts of conduct described in this section occur on the licensed premises. (Ord. 808, 11-21-1977; amd. 1995 Code)

302.15: CIVIL PENALTY:

A. Penalty For Noncompliance: In addition to any criminal penalties which may be imposed by a court of law, the City Council may suspend a license for up to 60 days, may revoke a license and/or may impose a civil fine on a licensee not to exceed \$2,000.00 for each violation on a finding that the license holder or its employee has failed to comply with a statute, rule or ordinance relating to alcoholic beverages, non-intoxicating malt liquor or wine.

B. Minimum Penalty: The purpose of this section is to establish a standard by which the City Council determines the civil fine, the length of license suspensions and the propriety of revocations, and shall apply to all premises licensed under this chapter. These penalties are presumed to be appropriate for every case; however, the council may deviate in an individual case where the council finds that there exist certain extenuating or aggravating circumstances, making it more appropriate to deviate, such as, but not limited to, a licensee's efforts in combination with the state or city to prevent the sale of alcohol to minors or, in the converse, when a licensee has a history of repeated violations of state or local liquor laws. When deviating from these standards, the council will provide written findings that support the penalty selected. When a violation occurs, the staff shall provide information to the City Council to either assess the presumptive penalty or depart upward or downward based on extenuating or aggravating circumstances. The staff shall notify the licensee of the information being considered and acted upon by the City Council.

(1) Except as otherwise provided in this Chapter, the following violations will subject the licensee to the following administrative penalties:

OFF SALE - Type of Violation	1st Violation	2nd Violation	3rd Violation	4th Violation
Sale of alcoholic beverage to a person under the age of 21	\$1,000 and 0 day suspension	\$2,000 and 3 day suspension	\$2,000 and 7 day suspension	Revocation
Sale of alcoholic beverage to an obviously intoxicated person	\$1,000 and 1 day suspension	\$2,000 and 3 day suspension	\$2,000 and 7 day suspension	Revocation
Refusal to allow City inspectors or police admission to premises	\$1,000 and 3 day	\$2,000 and 7 day	Revocation	N/A

	suspension	suspension		
After hours sale, possession by a patron or consumption of alcoholic beverages	\$1,000 and 3 day suspension	\$2,000 and 7 day suspension	Revocation	N/A
Illegal gambling on premises	\$1,000 and 3 day suspension	\$2,000 and 7 day suspension	Revocation	N/A
Sale of alcoholic beverages while license is under suspension	30 day suspension	Revocation	N/A	N/A
Commission of a felony related to licensed activity	Revocation	N/A	N/A	N/A

(Ord. 1408, 5-16-2011)

ON SALE & 3.2 - Type of Violation	1st Violation	2nd Violation	3rd Violation	4th Violation
Sale of alcoholic beverage to a person under the age of 21	\$1,000 and 1 day suspension	\$2,000 and 5 day suspension	\$2,000 and 15 day suspension	Revocation
Sale of alcoholic beverage to an obviously intoxicated person	\$1,000 and 1 day suspension	\$2,000 and 5 day suspension	\$2,000 and 15 day suspension	Revocation
Failure of an on-sale licensee to take reasonable steps to prevent a person from leaving the premises with an alcoholic beverage (on-sale allowing off-sale)	\$1,000 and 1 day suspension	\$2,000 and 5 day suspension	\$2,000 and 15 day suspension	Revocation
Refusal to allow City inspectors or police admission to premises	\$1,000 and 7 day suspension	\$2,000 and 14 day suspension	Revocation	N/A
After hours sale, possession by a patron or consumption of alcoholic beverages	\$1,000 and 7 day suspension	\$2,000 and 14 day suspension	Revocation	N/A
Illegal gambling on premises	\$1,000 and 7 day suspension	\$2,000 and 14 day suspension	Revocation	N/A
Sale of alcoholic beverages while license is under suspension	60 day suspension	Revocation	N/A	N/A
Sale of intoxicating liquor with only 3.2 percent malt liquor license	Revocation	N/A	N/A	N/A
Commission of a felony related to licensed activity	Revocation	N/A	N/A	N/A

(Ord. 1408, 5-16-2011)

(2) Any prior violation that occurred more than 36 calendar months immediately preceding the most current violation will not be considered in determining successive violations.

(3) In addition to the administrative penalties identified above, the city may in appropriate circumstances choose to not renew a license at the end of its current term for non-compliance with any provision of this Chapter or for any other reason allowed by law. (Ord. 1390, 3-29-2010) (Ord. 1422, 11-28-2011)

C. Hearing and Notice: If, after considering the staff's information, the City Council proposes to suspend, revoke or not renew a license, the licensee shall be provided written notice of the City Council's proposed action and shall be given the opportunity

to request a hearing on the proposed penalty by providing the City a written notice requesting a hearing within ten days of the mailing of the notice of the City Council's proposed action. The notice of the proposed action of the City Council shall state the reasons for such suspension, revocation, or non-renewal and the action the City Council proposes to take, shall inform the licensee of the right to request a hearing prior to the action being final, and shall inform the licensee of the date the City Council's proposed action will be considered a final decision if a hearing is not requested. Any hearing, if requested, will be conducted in accordance with Minnesota statutes section 340A.415 and sections 14.57 to 14.69 of the Administrative Procedures Act ("APA"). If a hearing is requested, the licensee shall be provided a hearing notice at least ten days prior to the hearing, which shall state the date, time and place of the hearing and the issues involved in the hearing. An independent hearing officer shall be selected by the City Council to conduct the hearing and shall make a report and recommendation to the City Council pursuant to the provisions of the APA. The City Council shall consider the independent hearing examiner's recommendation and issue its final decision on the suspension or revocation. (Ord. 1243, 11-27-2000; Ord. 1280, 3-31-03) (Ord, 1336, 5-08-2006) (Ord. 1422, 11-28-2011)

CHAPTER 303

AMUSEMENT DEVICES; AREAS AND GAMEROOMS

SECTION:

- 303.01: Amusement Devices; Areas and Gamerooms Defined
- 303.02: License and Conditional Use Permit Required
- 303.03: Application for License Requirements
- 303.04: Location Restrictions
- 303.05: Hours of Operation
- 303.06: Gambling Devices
- 303.07: Cigarette Sales Prohibited
- 303.08: Conditional Use Permit Requirements

303.01: AMUSEMENT DEVICES; AREAS AND GAMEROOMS DEFINED:

For the purposes of this Code, the term "Amusement Devices, Areas and/or Gamerooms" shall mean any for-profit enterprise or business which provides areas within a building, room or outdoor space with capacity for eight or more customers at one time, wherein customers play games, watch game playing, wait to play or que to enter or are being entertained. Examples of such business uses are: video, laser, pool or other table game areas; arcades, carnivals and circuses. This definition excludes physical exercise or health centers, theaters, private lodges or clubs, restaurants and bars and all tax-exempt operations. (Ord. 1144, 6-13-1994)

303.02: LICENSE AND CONDITIONAL USE PERMIT REQUIRED:

- A. No person shall establish, maintain or operate an amusement device area or gameroom as herein defined within the City without first having obtained an annual license and a conditional use permit to do so. Any proposal for such business or enterprise as defined in Section 303.01 shall apply for a City annual business license as set forth in Sections 301.01 through 301.09 and a conditional use permit as set forth in Section 1013.01. The application and annual fee for the business license and the fee for the conditional use permit shall be as established in Section 314.05. (Ord. 1275, 11-18-2002) (Ord. 1379A, 11-17-2008)
- B. Each conditional use permit approved for amusement device areas or gamerooms shall be contingent upon issuance of an annual business license. At such time as the business license lapses or is denied, the conditional use permit shall also be considered null and void.
- C. Each license shall be issued for a period of one year; however, if the application is made during the license year, a license may be issued for the remainder of the year for a pro rata fee to be determined by the City with any fraction of a month counted as one month. No refund of any fees shall be made. Every license shall expire the last day of June.
- D. Amusement devices, areas, and gameroom businesses and enterprises approved and in existence on the effective date of this Chapter shall comply by submitting an initial license application prior to June 30, 1995, for 1995-1996. Such businesses shall be deemed as pre-existing conditional uses, subject to the standards and criteria of this Code, except Section 303.04.

- E. Licenses are not transferable. Change in ownership of the site or the business on the site shall cause the license to expire. The new owner may apply for a new license and City Council approval. (Ord. 1144, 6-13-1994)

303.03: APPLICATION FOR LICENSE REQUIREMENTS:

License application requirements shall include the following:

- A. The applicant's birth date, correct name, social security number, driver's license number, post office address and residence, length of time the applicant has resided within the State of Minnesota and applicant's places of residence for the ten years preceding application.
- B. Applicant's signed approval for Police Department to complete a criminal and personal background investigation.
- C. Five letters of references.
- D. If a Minnesota corporation, the name, address and phone number of the principal in charge of the premises. If a partnership, each active partner shall supply the same information as the applicant. (Ord. 1144, 6-13-1994)

303.04: LOCATION RESTRICTIONS:

The operation of any amusement devices, areas or game room business or enterprise with a capacity for more than eight customers at one time shall be restricted to a commercially zoned area consistent with the City's Zoning Code.
(Ord. 1144, 6-13-1994) (Ord. 1468, 06-09-2014)

303.05: HOURS OF OPERATION:

No licensee shall operate between the hours of 11:00 P.M. and 7:00 A.M. Licensees located within shopping centers or malls shall have the same hours of operation as the center or mall. (Ord. 1144, 6-13-1994)

303.06: GAMBLING DEVICES:

No gaming or gambling, as defined in Chapter 304 of this Title shall be permitted within the commercial public assembly business or enterprise location. (Ord. 1144, 6-13-1994)

303.07: CIGARETTE SALES PROHIBITED:

It shall be unlawful to permit the sale of cigarettes on the premises. (Ord. 1144, 6-13-1994)

303.08: CONDITIONAL USE PERMIT REQUIREMENTS:

In addition to the requirements listed in Section 1013.01, a conditional use permit shall include, but not be limited to, the following reports, standards and plans which are to be submitted as part of the annual license application or as otherwise stated:

- A. Insurance Coverage: The City may require proof of liability insurance coverage in amounts not less than \$1,000,000.00 each.
- B. Security: The City may require the applicant to provide on-site security agents at indoor and outdoor locations during peak periods which are identified in the pedestrian, maintenance and traffic management plans.
- C. Lighting Plan: An exterior lighting plan shall provide for installation and maintenance of lighting standards in parking and entry areas. The standards shall include light intensity as follows:
 - 1. 20 foot-candles within 75 feet of entry or exit.
 - 2. Five foot-candles throughout the parking lot.

- D. Traffic Management: A traffic management plan shall provide for parking and circulation. The plan shall illustrate:
 - 1. Number of spaces estimated to be in use during afternoon and evening business hours or performances. The total number of spaces available on the site shall accommodate two complete shifts of customers when the facility is used at capacity.
 - 2. The traffic circulation plan within the car and bus parking areas and any traffic direction signage.
 - 3. Entrance and exit capacity on driveways.
- E. Pedestrian Plan: An exterior (out of the parking areas) and indoor pedestrian queuing plan shall be provided with staggered entry times to gaming areas and a managed one-way entry, multi-way building exit system for customers.
- F. Emergency Evacuation Plan: An evacuation plan shall include a weekly attendance total, reported on a monthly basis (to City Fire Marshal) to determine capacity and routing for evacuation. The evacuation plan shall describe the exit locations, designated fire lanes, routing, crowd management techniques and staff training necessary for evacuation.
- G. Maintenance Building Report: An annual maintenance and building report shall include records of all maintenance and building improvements during the previous year. This report shall include records of improvements to bathrooms, seats, carpet, windows, doors, heating and air handling equipment, water and sewer services, exterior landscaping, parking and lighting. The trash collection systems for inside the building and in parking areas shall be illustrated and methods for screening exterior trash collection areas must be provided.
- H. Signs: Exterior and interior marquee or wall signs shall illustrate entry areas and hours of operation or starting times for events.
- I. On-Site Manager: An on-site manager shall be on the site at all times when the business is open to the public. The on-site manager shall have his/her name and business phone number prominently displayed in the front entry or lobby at all times.
- J. Employee Training Program: All employee training programs shall include a 12 month roster of employees and a description of the employee training program. The employee training program shall include health, sanitation, safety, crowd management, maintenance and evacuation training. Employees shall be in recognizable uniform, shirt or jacket.
- K. Food/Sanitarian Inspection Report: A copy of the most recent Ramsey County Department of Health Food/Sanitarian inspection report shall be submitted with license application. It shall include all actions taken to comply with the inspection reports.
- L. License Fees: License fees, as established by the City Fee Schedule in Section 314.05, shall cover all annual City administration and life/safety expenses and inspections. (Ord. 1379A, 11-17-2008)
- M. Noise: Noise levels from machinery or customers shall be identified in a noise plan. Such noise shall not cause a disturbance to adjacent and surrounding uses which would cause the normal operation of said uses to be damaged or unreasonably disturbed.

CHAPTER 304

LAWFUL GAMBLING

SECTION:

- 304.01: Lawful Gambling Permitted
- 304.02: Number of Licenses and Permits
- 304.03: Approval of Licenses
- 304.04: Contributions
- 304.05: Law Enforcement and Administrative Costs
- 304.06: Gambling Exempt from State Licensing Requirements
- 304.07: Video Games of Chance

304.01: LAWFUL GAMBLING PERMITTED:

Lawful gambling as regulated in Minnesota Statutes Chapter 349 is permitted in the City if the organization conducting such activities meets the following criteria:

- A. Is licensed by the Minnesota Gambling Control Board.
- B. Is a tax exempt organization pursuant to 501(c) of the Internal Revenue Code or has a 501(c) application pending with the Internal Revenue Service.
- C. Maintains an address within the City.
- D. Has been in existence at least three consecutive years prior to the date it begins its gambling operations.
- E. Complies with all of the provisions of this Chapter. (Ord. 1114, 8-24-1992)

304.02: NUMBER OF LICENSES AND PERMITS:

- A. No organization licensed pursuant to Minnesota Statutes Chapter 349 may conduct lawful gambling at more than two locations within the city, except any organization that does not conduct bingo and has prior to April 1, 1992, operated lawfully at more than one location, may continue to operate at the locations licensed as of that date. (Ord. 1138, 4-25-1994) (Ord. 1412, 7-11-2011)
- B. The maximum number of bingo hall licenses and locations issued pursuant to Minnesota Statutes Chapter 349 within the City shall be one. Once the bingo hall license is issued by the City, it shall be limited to the location and to the owner specified on the license. Any change of location or ownership without the approval of the City shall result in the termination of the license. (Ord. 1244, 12-18-2000) (Ord. 1412, 7-11-2011)
- C. The maximum number of licensees conducting gambling at the bingo hall license location described in subsection B of this section shall be five.
- D. The maximum number of premises permits issued pursuant to Minnesota Statutes Chapter 349 in addition to one bingo hall license described in subsection A of this section shall be eight. Except as provided in subsection E of this section the gambling allowed at those locations shall be confined to pull-tabs, paddlewheels, raffles, and tipboards as defined and regulated under Minnesota Statutes Chapter 349. (Ord. 1412, 7-11-2011)
- E. An organization in existence and qualified under section 501(c)7 or section 501(c)19 of the internal revenue code and which had its principal place of business or place of conducting meetings in the City prior to and continuing since 1980 may be granted a

premises permit to conduct all lawful gambling operations on their own premises. Such organizations are not eligible for a bingo hall license as provided in Minnesota statutes section 349.164 and may conduct gambling activities or bingo only on their own property. (Ord. 1138, 4-25-1994) (Ord. 1412, 7-11-2011)

304.03: APPROVAL OF LICENSES:

- A. Required Documentation: Any organization applying to the Gambling Control Board for a premises permit, bingo hall license or for the renewal of the same to conduct lawful gambling in the city shall, within ten days of making such application, file the following with the City:
 - 1. Application: A duplicate copy of the Gambling Control Board application along with all supporting documents submitted to the Gambling Control Board.
 - 2. Corporate Documents: A copy of the Articles of Incorporation and Bylaws of the organization.
 - 3. Officers and Directors: The names and addresses of all officers and directors of the organization.
 - 4. Written Procedures: A copy of the organization's written procedures and/or criteria for distribution of funds derived from lawful gambling, its standardized application form and its written fiscal control procedures.
 - 5. IRS Exempt Letter: A copy of the Internal Revenue Service's tax exempt letter.
 - 6. Felony Conviction: Confirmation that no employee or principal officer of the organization has been convicted of a felony. No employee or organization whose principal officers or employees have a felony conviction shall be employed or retained in a gambling-related activity by any permitted organization.
 - 7. Investigation Reports: A copy of all records, all testimony or other information submitted to the State of Minnesota or Federal Government as part of any previous or current investigation or inquiry on any matter related to gambling.
- B. Investigation: Upon receipt of the materials required by subsection A of this section, and not later than 60 days from receipt of notice from the Gambling Control Board, City staff shall investigate the applicant and based upon said investigation, the City Council shall act on the application.
- C. Resolution: The action of the City Council to approve an application for a premises permit or bingo hall license within the city shall be by resolution. Failure to receive a majority affirmative vote of the City Council shall constitute a denial of the application.
- D. Additional Documents: Copies of any other reports or documents which are required to be subsequently filed by such organization with the Gambling Control Board, including monthly financial statements, shall be filed with the City within ten days of filing such materials with the Gambling Control Board.
- E. Compliance: to assure compliance with this Chapter, the City may require a premises permit holder or bingo hall licensee to provide copies of records as allowed under Minnesota Statutes. (Ord. 1327, 10-10-05)
- F. Suspension: Approval of a premises permit issued by the City under any part of this Chapter may be suspended by the City for violation of Chapter or revoked or any renewal delayed, for failure to meet the qualifications set out in subsection A or a willful violation of any part of this Chapter or a failure to comply, for any reason, with any provision, guarantee or claim made in an applicant's original license application to either the City or the State of Minnesota.
- G. Liability of City: No license or permit issued by the City grants the licensee a property right or entitlement to the license or permit. The City may not issue, renew nor revoke the license or permit for any reason and will not incur liability for any damages

including, but not limited to, direct, consequential or incidental damages, deprivation of property, loss of income, loss of profits or loss of livelihood.

- H. Employment of Certified Public Accountant: All organizations conducting Bingo at the Bingo hall in the City shall use a certified public accounting firm for all accounting, bookkeeping and tax preparation services related directly to lawful gambling and charged as an allowable expense of the gambling operation. All agreements providing for such services shall be in writing and shall be submitted to the City as part of the application for review by the City to determine compliance with local and State regulations and laws. Any such agreements entered into or modified after issuance of a license or permit shall be filed with the City prior to the new agreement or modification becoming effective. The initial approval and the continuance of a license or permit are contingent upon such agreements complying with this Chapter and State statutes and regulations. (Ord. 1412, 7-11-2011)
- I. Management: All licensees and permittees in the City will assure continuous and active management of the gambling operation and will not delegate managerial responsibilities, will work continuously to operate in the most efficient manner to increase the amount of available lawful proceeds, will maintain the lowest possible costs and will encourage and use volunteers to the fullest extent possible. (Ord. 1114, 9-24-92)

304.04: CONTRIBUTIONS:

- A. Each organization conducting lawful gambling within the City shall contribute at least 10% of its net profits derived from lawful gambling in the City to a fund administered and regulated by the City. The City then shall make disbursements to the Roseville Community Fund, administered by the North Suburban Community Foundation, a Minnesota nonprofit corporation. This contribution shall be for the purposes defined in Minnesota Statutes Chapter 349. The City's directive to the Roseville Community Fund, administered by the North Suburban Community Foundation, as to the use of the funds shall be made at the time of the City's adoption of its annual budget or any amendments thereto. (Ord. 1327, 10-10-05) (Ord. 1412, 7-11-2011)
- B. Each organization conducting lawful gambling shall expend or contribute a minimum of 75% of its net profits from Roseville gambling sites by the end of each premises permit year. The remaining percentage may be carried over to the subsequent permit or license year. The City Council may grant a variance authorizing the organization to carry over more than 25% of all its net profits for expenditure in the subsequent permit or license year.
- C. In the event any organization contributes to the City any sum in excess of the 10% as required in subsection A above, said funds will be deposited and allocated to the Roseville Community Fund, as administered by the North Suburban Community Foundation. In the event the Roseville Community Fund, as administered by the North Suburban Community Foundation is in any way unable to receive the allocated funds as set forth in subsection A above, the funds will be deposited in an interest bearing escrow account in a bank located in the City and allocated to uses by further order of the City Council. (Ord. 1114, 9-24-92) (Ord. 1412, 7-11-2011)

304.05: LAW ENFORCEMENT AND ADMINISTRATIVE COSTS:

All organizations conducting lawful gambling within the City shall, within 30 days of the end of each month, pay to the City an amount equal to 3% of the gross receipts from lawful gambling conducted in the City in such month, less amounts actually paid for prizes, to cover the City's law enforcement and administrative costs in regulating lawful gambling.

(Ord. 1114, 9-24-92)

304.06: GAMBLING EXEMPT FROM STATE LICENSING REQUIREMENTS:

- A. Organizations which conduct lawful gambling which is exempt from State gambling licensing requirements may conduct such gambling within the City upon receipt of a permit from the City, except this requirement does not apply to door prizes or raffles and bingo where total prizes are less than \$1,500 in a calendar year. (Ord. 1327, 10-10-05)
- B. An application for such a permit, along with a fee as prescribed by the Fee Schedule, shall be made at least 30 days prior to the date such gambling is to be conducted. The application shall contain the following:
 - 1. The name of the organization.
 - 2. The address of the organization.
 - 3. The place where such gambling will occur.
 - 4. The total prizes to be awarded.(Ord. 1327, 10-10-05)
- C. Within 30 days of filing any reports with the Gambling Control Board, the organization shall file a copy of such reports with the City.
- D. The provisions relating to law enforcement and administrative costs set forth in Section 304.05 shall not apply to gambling permitted pursuant to this Section. All other provisions of this Chapter apply to such organizations. (Ord. 1114, 9-24-92)

304.07: VIDEO GAMES OF CHANCE:

"Video games of chance", as defined by Minnesota Statutes, are prohibited in the City. (Ord. 1114, 9-24-92)

CHAPTER 305
CHRISTMAS TREE SALES – Repealed (Ord. 1454, October 21, 2013)

CHAPTER 306

CIGARETTE AND TOBACCO PRODUCTS

SECTION:

- 306.01: Definitions
- 306.02: License Required
- 306.03: Application
- 306.04: Prohibited Sales
- 306.05: Indoor Smoking Prohibited
- 306.06: Identification
- 306.07: Violations
- 306.08: Appeal

306.01: DEFINITIONS:

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

INDIVIDUALLY PACKAGED: Any package containing only one individually wrapped item. Included are single packs of cigarettes or single cans or containers of tobacco related products. Not included are cartons containing two or more individually packaged packs of cigarettes or similar packages containing multiple cans or containers of tobacco related products.

SELF SERVICE MERCHANDISING: An open display of tobacco products which the public has access to without the intervention of an employee.

TOBACCO RELATED PRODUCT: Cigarettes, cigars, cheroots, stogies, perique, granulated, plug cut, crimp cut, ready, rubbed and other smoking tobacco, snuff, snuff flower, Cavendish, plug and twist tobacco, fine cut and other chewing tobaccos, shorts, refuse scrips, clippings, cuttings and sweepings of tobacco prepared in such manner as to be suitable for chewing, sniffing or smoking in a pipe, rolling paper or other tobacco related devices. Also, and products containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product. And, shall include electronic cigarettes or other devices that can be used to deliver nicotine or any other substance or flavorings to the person inhaling from the device. This Chapter does not apply to devices that have been approved or otherwise certified for sale by the U.S. Food and Drug Administration for tobacco use cessation, harm reduction, or for other medical purposes, and is being marketed and sold solely for that approved purpose. (Ord. 1424 02-13-12) (Ord. 1455, 10-21-13)

306.02: LICENSE REQUIRED:

No person shall keep for retail sale or sell at retail any tobacco product as defined in this Chapter without a license. (Ord. 1133, 1-24-94)

306.03: APPLICATION:

The application shall state the full name and address of the applicant, the location of the building and the part to be used by the applicant under the license, the kind of business conducted at such location and such other information as shall be required by the application

form. (Ord. 1133, 1-24-94)

306.04: PROHIBITED SALES:

No person shall sell or give away any tobacco related product to any person under the age of 18 years, no person shall sell or dispense any tobacco product through the use of a vending machine, and it shall be unlawful for any person to offer for sale any individually packaged tobacco related product by means of self-service merchandizing. All sales must be made in such a manner that requires the vendee to specifically ask for the tobacco product and all other sales are unlawful. (Ord. 1133, 1-24-94)

306.05: INDOOR SMOKING PROHIBITED:

It shall be unlawful to light, inhale, exhale, or any combination thereof, of tobacco, tobacco products, or tobacco related devices by any person in any retail establishment. (Ord. 1424, 02-13-12)

306.06: IDENTIFICATION:

Any person who sells a tobacco product must require identification if such person has any reason to believe that the purchaser is less than 18 years of age. (Ord. 1133, 1-24-94)

306.07: VIOLATIONS:

- A. Misdemeanors: Any person who violates this Chapter shall be guilty of a misdemeanor.
- B. Penalty for Noncompliance: In addition to any criminal penalties which may be imposed by a court of law, the City Manager may suspend or revoke a license on a finding that the license holder or its employee has failed to comply with this Chapter.
- C. Minimum Penalty: In no event shall a penalty be less than:
 - 1. For a first violation, the mandatory minimum penalty shall be the administrative penalty imposed pursuant to City Code Section 102.01C.
 - 2. For a second violation in 12 months the mandatory minimum penalty shall be suspension for two days.
 - 3. For a third violation in 12 months the mandatory minimum penalty shall be suspension for five days.
- D. Hearing and Notice: Revocation or suspension of a license shall be preceded by a hearing before the City Manager. A hearing notice shall be given at least ten days prior to the hearing, including notice of the time and place of the hearing and shall state the nature of the charges against the licensee. (Ord. 1133, 1-24-94)

306.08: APPEAL:

The aggrieved party may appeal the decision of the City Manager within ten days of receiving notice of the City's action. The filing of an appeal stays the action of the City Manager in suspending or revoking a license until the City Council makes a final decision. The City Council may modify the suspension or revocation. (Ord. 1133, 1-24-94)

CHAPTER 307

CONSTRUCTION LICENSES AND BONDS

SECTION:

- 307.01: Licenses Required
- 307.02: Fee
- 307.03: Commercial General Contractors
- 307.04: Qualifications
- 307.05: Revocation or Suspension
- 307.06: Period of Suspension
- 307.07: Revocation upon Violations
- 307.08: Failure to Pay Claim
- 307.09: Liability Insurance

307.01: LICENSES REQUIRED:

Licensing is required for all residential building and remodeling contractors who provide only one service and all commercial building and remodeling contractors who are not required to have a State license. (1995 Code)

- A. Cement work, cement block work, cement block laying or brick work.
- B. General construction including erection, alteration or repair of building.
- C. Demolition of buildings.
- D. Plastering, outside stucco work or lathing and dry wall.
- E. Heating.
- F. Gas installation including heating, appliances, devices or machinery, etc.
- G. Sign and billboard erecting.
- H. Excavators (for basements, foundations, grading of lots, etc.). (Ord. 487, 4-11-66; amd. 1990 Code)
- I. Water and sewer excavating, installation and connection.
- J. Tree removal.
- K. Ventilation system cleaning. (Ord. 906, 5-10-82)

Residential general contractors, roofing contractors and manufactured housing installers must be licensed by the Minnesota Department of Commerce. (1995 Code)

307.02: FEE:

The fee for each license shall be paid annually. The required fee will be in an amount set by the Council. (Ord. 801, 3-14-77; amd. 1995 Code)

307.03: COMMERCIAL GENERAL CONTRACTORS:

- A. A license granted to a general contractor shall include the right to perform all of the work included in his/her general contract. Such license shall include any or all of the persons performing the work which is classified and listed in Section 307.01, providing that each person performing such work is in the regular employ of such general contractor and qualified under State law and the provisions of this Code to perform such work. In these cases, the general contractor shall be responsible for all of the work so performed.

- B. Subcontractors on any work shall be required to comply with the Sections of this Code pertaining to license, bond, qualifications, etc. for their particular type of work. (Ord. 190, 7-20-54; amd. 1995 Code)

307.04: QUALIFICATIONS:

Each applicant for a license shall satisfy the Chief Code Enforcement Officer that he/she is competent by reason of education, special training and experience, and that he/she is equipped to perform the work for which a license is requested. (Ord. 190, 7-20-54; amd. 1995 Code)

307.05: REVOCATION OR SUSPENSION:

The Council may suspend or revoke the license of any person licensed under this Code who violates any of its provisions or whose work is found to be improper, defective or so unsafe as to jeopardize life or property. The person holding such license shall be given 20 days notice and granted the opportunity to be heard before such action is taken. If and when such notice is sent to the legal address of the licensee and he/she fails or refuses to appear at the hearing, his/her license will be automatically suspended or revoked five days after date of hearing. (Ord. 190, 7-20-54)

307.06: PERIOD OF SUSPENSION:

When a license is suspended, the period of suspension shall be not less than thirty days or more than one year, such period being determined by the Council. (Ord. 190, 7-20-54)

307.07: REVOCATION UPON VIOLATIONS:

When any person holding a license has been convicted for a second time by a court of competent jurisdiction for violation of any of the provisions of this Code, the Council shall revoke the license of the person so convicted. Such person may not make application for a new license for a period of one year. (Ord. 190, 7-20-54)

307.08: FAILURE TO PAY CLAIM:

The failure to pay within 60 days, any legitimate claim the City may have against a contractor shall constitute a cause for revocation of license. (Ord. 233, 7-23-57)

307.09: LIABILITY INSURANCE:

- A. Any person holding a license under Section 307.01 shall file with the Manager policies of public liability and property damage which shall remain and be in force and effect during the entire term of said license and which shall contain a provision that they shall not be cancelled without ten days written notice to the City.
- B. Public liability insurance shall not be less than \$100,000.00 for injuries including accidental death to any one person, and subject to the same limit for each person in an amount of not less than \$300,000.00 on account of any one accident and property damage insurance in the amount of not less than \$100,000.00 for each accident and not less than \$100,000.00 aggregate. No work shall be done under license until said insurance policies shall have been filed and approved by the City Manager. (Ord. 897, 1-25-82)

CHAPTER 308

CONVERSATION PARLORS

SECTION:

- 308.01: Definitions
- 308.02: License Required
- 308.03: License Fee
- 308.04: Application
- 308.05: Granting, Denying or Revocation of Licenses
- 308.06: Construction and Maintenance Requirements
- 308.07: Inspection
- 308.08: Identification
- 308.09: Business Hours
- 308.10: Rules and Regulations

308.01: DEFINITIONS:

For the purpose of this Chapter, a "conversation parlor" shall mean any establishment advertising, offering or selling the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, regardless of whether other goods or services are also simultaneously advertised, offered or sold, and regardless of whether those other goods or services are also required to be licensed. The term conversation parlor shall not include bona fide legal, medical, psychiatric, psychological or counseling services by a person or firm appropriately licensed, nor shall it include bona fide educational institutions or panels, seminars or other similar services offered by such institutions, nor shall it include churches or synagogues. (Ord. 793, 9-20-76)

308.02: LICENSE REQUIRED:

No person shall engage in the business of operating a conversation parlor in the City without a license. (Ord. 793, 9-20-76)

308.03: LICENSE FEE:

The annual license fee¹ shall be as established by the City Fee Schedule in Subsection 314.05 (Ord. 793, 9-20-76) (Ord. 1379A, 11-17-2008)

308.04: APPLICATION:

The initial application for a license shall be made by completing an application form provided by and containing such information as is required by the City Manager. A separate license shall be obtained for each separate place of business. (Ord. 793, 9-20-76)

308.05: GRANTING, DENYING OR REVOCATION OF LICENSES:

- A. Licenses may be granted only in the appropriate zone to be determined by the City Council and laws and ordinances of the City.

¹ See Section 301.03 of this Title for license fees.

- B. Licenses may be denied or revoked if the premises of the conversation parlors do not meet the requirements of the City Council and of the building, safety and sanitation regulations of the City and the State of Minnesota.
- C. Licenses may be denied or revoked if there is any fraud or deception involved in the license application.
- D. Licenses may be denied or revoked if the applicant or persons in applicant's employ are not complying with, or have a history of, violations of the laws and ordinances that apply to health, safety or moral turpitude.
- E. An application may be denied if the City Council determines that the issuance of such a license would be detrimental to the health, welfare or safety of the citizens of the City. (Ord. 793, 9-20-76; amd. 1995 Code)

308.06: CONSTRUCTION AND MAINTENANCE REQUIREMENTS:

- A. Construction Materials: All conversation parlors and all rest rooms and bathrooms used in connection with such conversation parlor shall be constructed of materials which are impervious to moisture, bacteria, mold or fungus growth.
- B. Required Equipment: All rest rooms used in connection with conversation parlors shall be provided with mechanical ventilation with two cfm per square foot of floor area, a minimum of 15 foot-candles of illumination, a hand washing sink equipped with hot and cold running water under pressure, sanitary towels and a soap dispenser.
- C. Janitor's Closet: Each conversation parlor establishment shall have a janitor's closet, which shall be provided for the storage of cleaning supplies. Such closet shall have mechanical ventilation with two cfm per square foot of floor area and a minimum of ten foot-candles of illumination. Such closet shall include a mop sink.
- D. Sanitary Conditions: Floors, walls and equipment in conversation parlors and rest rooms must be kept in a state of good repair, and sanitary at all times.
- E. Locked Doors Prohibited: Doors to all rooms inside a conversation parlor shall not be locked or capable of being locked. (Ord. 793, 9-20-76)

308.07: INSPECTION:

During business hours, all conversation parlors shall be open to inspection by City Building and License Inspectors, Health Authority and police officers. (Ord. 793, 9-20-76)

308.08: IDENTIFICATION:

Upon demand by any police officer, any person engaged in providing services in any licensed premises shall identify themselves giving their true legal name and correct address. (Ord. 793, 9-20-76)

308.09: BUSINESS HOURS:

No customers or patrons shall be allowed to enter the licensed premises after 1:00 A.M. and before 8:00 A.M. daily. No customers or patrons shall be allowed to remain upon the licensed premises after 2:00 A.M. and before 8:00 A.M. daily. (Ord. 793, 9-20-76)

308.10: RULES AND REGULATIONS:

- A. License shall be granted only to establishments which meet the safety and sanitary requirements of the applicable building, housing, health and safety code regulations of the City and the State of Minnesota.
- B. It shall be grounds for denial or revocation of a license if the applicant or persons in applicant's employ violate City ordinances or the laws of the State of Minnesota on the

premises.

- C. It shall be grounds for rescinding a license granted to any person under this Chapter if the owner, manager, lessee or any of the employees are found to be in control or possession of any alcoholic beverage or of a narcotic drug or controlled substance on the premises, the possession of which is illegal as defined by Minnesota Statutes¹ or by rules of the City Code.
- D. All employees and customers of the establishment shall at all times have their breasts, buttocks, genitals and anus covered by a nontransparent material. (Ord. 793, 9-20-76)

¹ M.S.A. §340A.101 et seq. and M.S.A. §152.01 et seq.

CHAPTER 309

MASSAGE THERAPY ESTABLISHMENTS

SECTION:

- 309.01: Definitions
- 309.02: License for Massage Therapy Establishment
- 309.03: Granting, Denying or Rescinding of Licenses
- 309.04: Practice of Massage Therapy Only by Licenses Persons
- 309.05: Revocation or Suspension of License
- 309.06: Restrictions and Regulations
- 309.07: Violations, Penalty

309.01: DEFINITIONS:

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

CHAIR MASSAGE: A massage provided to a fully-clothed individual, and limited to the neck, shoulders, arms, and back, where the massage is not provided in a massage therapy establishment; and provided the individual giving the massage meets the requirements specified in Section 309.04 (A). (Ord. 1329, 11-14-05)

MASSAGE THERAPIST: A person who practices massage therapy.

MASSAGE THERAPY: The rubbing, stroking, kneading, tapping or rolling of the body with the hands or other parts of the body for the exclusive purposes of relaxation, physical fitness or beautification and for no other purpose.

The practice of massage therapy is hereby declared to be distinct from the licensed practice of medicine, osteopathy, chiropractic, physical therapy, podiatry and nursing, as well as athletic coaches and trainers. Persons engaged in those professions are exempt from the provisions of this Chapter.

MASSAGE THERAPY ESTABLISHMENT: Any room, or premise wherein a person may receive a massage from a massage therapist for a fee; where massages are given on more than 14 calendar days in any given calendar year. (Ord. 1329, 11-14-05)

SANITARY: Free from the vegetative cells of pathogenic microorganisms. (Ord. 1142, 6-13-1994)

309.02: LICENSE FOR MASSAGE THERAPY ESTABLISHMENT:

- A. **License Required:** No person shall engage in the business of operating a massage therapy establishment within the City without first having obtained the required license.
- B. **Application Fee:** The initial application for a license shall be made by completing an application form provided by and containing such information as required by the City Manager and by paying a nonrefundable application fee, as established by the City Fee Schedule in Section 314.05. (Ord. 1329, 11-14-05)
- C. **Separate License Required Fee:** A separate license shall be obtained for each place of business, the fee for which shall be as established by the City Fee Schedule in Section 314.05. (Ord. 1329, 11-14-05)

309.03: GRANTING, DENYING OR RESCINDING OF LICENSES:

- A. **Zoning Compliance:** Massage Therapy Establishment licenses may be granted only to

establishments associated with and operating within the confines of and incidental to a properly zoned beauty parlor (salon), health club, office, shopping mall, or similar areas open to the public. (Ord. 1329, 11-14-05)

- B. Building, Safety and Sanitation Regulations: Licenses may be denied or rescinded if the premises of the massage therapy establishments do not meet the requirements of the City Council, and of the building, safety and sanitation regulations of the City and State.
- C. Fraud or Deception: Licenses may be denied or rescinded if there is any fraud or deception involved in the license application.
- D. History of Violations: Licenses may be denied or rescinded if the applicant, licensee or employee of the same fails to comply with, or have a history of violations of the laws or ordinances which apply to health, safety or moral turpitude.
- E. Additional Conditions: The City Council may attach such reasonable conditions to the license as it, in its sole discretion, deems to be appropriate. (Ord. 1142, 6-13-1994)
(Ord. 1283, 6-16-03)

309.04: PRACTICE OF MASSAGE THERAPY ONLY BY LICENSED PERSONS:

- A. Application for License: Any person or business desiring to be licensed as a massage therapy establishment shall file an application on forms provided by the City Manager. The application shall contain such information as the City Manager may require, including: (Ord. 1329, 11-14-05)
 - 1. The applicant's full name, address, social security number and written proof of age.
 - 2. The name and address of the licensed massage therapy establishment by which the applicant expects to be employed.
 - 3. A statement concerning whether the person has been convicted of or entered a plea of guilty to any crime or ordinance violation and, if so, information as to the time, place and nature of such crime or offense.
 - 4. Proof that the applicant meets the following educational requirements:
 - a. A diploma or certificate of graduation from a school approved by the American Massage Therapist Association or other similar reputable massage association; or
 - b. A diploma or certificate of graduation from a school which is either accredited by a recognized educational accrediting association or agency or is licensed by the State or local government agency having jurisdiction over the school.
 - c. Each applicant shall also furnish proof at the time of application of a minimum of 600 hours of successfully completed course work in the following areas:
 - (1) The theory and practice of massage, including, but not limited to, Swedish, Esalen, Shiatsu and/or foot reflexology techniques; and
 - (2) Anatomy, including, but not limited to, skeletal and muscular structure and organ placement; and
 - (3) Hygiene.
- B. Fee: The annual license fee for a massage therapist is as established by the City Fee Schedule in Section 314.05. Ord. 1329, 11-14-05)
- C. Review of Application: License applications shall be reviewed by the Police Department.
- D. Denial of Application: The license application may be denied for any of the following reasons:
 - 1. Fraudulent Statements: The application contains false, fraudulent, or deceptive statements.
 - 2. Prior Conviction: The applicant has been convicted of or entered a plea of guilty within the previous three years to a violation of this Chapter or of any other law regulating the practice of massage, or of any law prohibiting criminal sexual conduct,

prostitution, pandering, indecent conduct or keeping of a disorderly house.

3. Noncompliance: The applicant has not complied with a provision of this Chapter.

4. Underage: The applicant is less than eighteen (18) years of age. (Ord. 1142, 6-13-94)

309.05: REVOCATION OR SUSPENSION OF LICENSE:

A license may be revoked or suspended for any of the following reasons:

- A. Application Fraud: Fraud, deception or misrepresentation in connection with the registration application.
- B. Violation of Chapter: A violation of any provision of this Chapter.
- C. Criminal Conviction: Conviction of a criminal sexual conduct, prostitution, pandering, indecent conduct or keeping a disorderly house.
- D. Conviction Arising out of Practice of Massage Therapy: Conviction of any crime or ordinance violation arising out of the practice of massage therapy.
- E. Lack of Skill: Exhibition of a demonstrable lack of skill in the practice of massage therapy. (Ord. 1142, 6-13-94)

309.06: RESTRICTIONS AND REGULATIONS:

- A. Display of License: Any person registered as a massage therapist hereunder shall display such license, or a true copy thereof, in a prominent place at such person's place of employment.
- B. Identification: Upon demand of any police officer at the place of employment, any person licensed hereunder shall produce correct identification, identifying himself/herself by his/her true legal name and correct address.
- C. Inspection: During business hours, all massage therapy establishments shall be open to inspection by City Building and License Inspectors, Health Officers and police officers.
- D. Therapist, Change of Location: Any person licensed hereunder shall practice massage only at such location or locations as are designated in the license. Any person registered hereunder shall inform the City Manager, in writing, of any change in location prior to its occurrence.
- E. Hours: No customers or patrons shall be allowed to enter or remain on the licensed premises after 9:00 P.M. or before 8:00 A.M. daily.
- F. Alcohol or Drugs Prohibited: No beer, liquor, narcotic drug or controlled substance, as such terms are defined by State statutes or the City Code shall be permitted on licensed premises.
- G. Violation of Building, Safety or Health Regulations: Violation of any law or regulation relating to building, safety or health shall be grounds for revocation or any license.
- H. Locks on Doors: There shall be no locks on doors of massage rooms.
- I. Appropriate Covering Required:
 - 1. Patron: Whenever a massage is given, it shall be required by the massage therapist that the person who is receiving the massage shall have her breasts and his/her buttocks and genitals covered with a nontransparent material. For purposes of receiving a chair massage, patrons must stay fully-clothed at all times. (Ord. 1329, 11-14-05)
 - 2. Therapist: Any massage therapists performing any massages shall at all times have her breasts and his/her buttocks and genitals covered with a nontransparent material. (Ord. 1142, 6-13-94)
- J. With the exception of chair massages, all other types of massages shall take place in a private room subject to the conditions and restrictions noted above. (Ord. 1329, 11-14-05)

309.07: VIOLATIONS, PENALTY:

Every person who violates this Chapter is guilty of a misdemeanor. (Ord. 1142, 6-13-94)

CHAPTER 310
MISCELLANEOUS LICENSE SECTION

Section:

310.01: License Required

310.01: LICENSE REQUIRED:

No person shall conduct or engage in any of the following businesses or activities without first obtaining a license:

- A. Firearm Sales: Businesses in which there is sold any handgun, rifle, shotgun or similar firearm.
- B. Veterinary Hospital: A facility for the care and treatment of animals within the City. (Ord. 597, 4-28-69; amd. 1995 Code)
- C. Gasoline Stations: Any place, building, pump or device maintained and used for the main purpose of selling or dispensing gasoline or other oils for use in motor vehicles of any kind.
- D. Private Gasoline Pumps: Pumps from which gasoline or other fuel for internal combustion engines is dispensed into a vehicle for private use and not sold to the public.
- E. Theaters: Any place, either within a building or in the open air, where moving pictures, film pictures or other pictures are displayed and an admission charge is made. (1995 Code)

CHAPTER 311

PAWNBROKERS AND PRECIOUS METAL DEALERS

SECTION:

- 311.01: Purpose
- 311.02: Definitions
- 311.03: License Required
- 311.04: Application for License
- 311.05: Investigation by Police Department
- 311.06: Term of License and Renewals
- 311.07: License Fees
- 311.075: Billable Transaction Fees
- 311.076: Bond Required
- 311.08: Ineligible Persons and Locations
- 311.09: Requirements of Licensees
- 311.10: Alarm System Required
- 311.11: Suspension or Revocation of License
- 311.12: Prohibited Acts
- 311.13: Adoption of Statutes by Reference

311.01: PURPOSE:

The City Council finds that pawnbrokers and precious metal dealer regulation is appropriate because such activities 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 of such activities is warranted because customers of such businesses frequently seek their services during times of desperate financial circumstances.

To help the police department better regulate current and future pawn businesses, decrease and stabilize costs associated with the regulation of the pawn industry, and increase identification of criminal activities in the pawn industry through the timely collection and sharing of pawn transaction information, this chapter also implements and establishes the required use of the automated pawn system (APS). (Ord. 1275, 11-18-2002)

311.02: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

ACCEPTABLE IDENTIFICATION: Acceptable forms of identification are a current valid Minnesota driver's license, a current valid Minnesota identification card, or a current valid photo driver's license or identification card issued by another state or province of Canada.

BILLABLE TRANSACTIONS: Every reportable transaction conducted by a pawnbroker, except renewals, redemptions, or extensions of existing pawns on items previously reported and continuously in the licensee's possession.

ISSUING AUTHORITY: The City of Roseville.

ITEM CONTAINING PRECIOUS METAL: An item made in whole or in part of metal and

containing more than one percent (1%) by weight of silver, gold or platinum.

MINOR: Any natural person under the age of eighteen (18) years.

PAWNBROKER: A person who loans money on deposit or pledge of personal property or other valuable thing or who deals in the purchasing of personal property or other valuable thing on condition of selling that same thing back again at a stipulated price or who loans money secured by chattel mortgage or 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 chapter shall be applicable. Pawnbroker does not include businesses or persons who engage in transactions in which a used or secondhand item is exchanged for a new item and the value of the new item exceeds the value of the secondhand item, or who buys and sells used goods or equipment of a specialized nature such as exercise or sporting equipment, or children's clothes. A bank, savings and loan association or credit union shall not be deemed a pawnbroker for purposes of this chapter.

PAWNSHOP: Any business establishment operated by a pawnbroker.

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.

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 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, sweepscraps 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 covered in lithographic and x-ray film processing.
- F. Transactions involving coins or bullion in 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 not 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 \$2,500.00 for secondhand items containing precious metals purchased within any period of twelve 12 consecutive months.

PRECIOUS METALS: Silver, gold or platinum.

REDEMPTION PERIOD: The date by which an item of property that has been pawned

must be redeemed by the pledger without risk that the item will be sold. Such date must be a day on which the pawnbroker or precious metal dealer is open for regular business.

REPORTABLE TRANSACTION: Every transaction conducted by a pawnbroker in which merchandise is received through a pawn, purchase, consignment or trade, or in which a pawn is renewed, extended, or for which a unique transaction number or identifier is generated by their point of sale software, is reportable, except:

- A. The bulk purchase or consignment of new or used merchandise from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the pawnbroker must maintain a record of such purchase or consignment which describes each item, and must mark each item in a manner which relates it to that transaction record.
- B. Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired. (Ord. 1275, 11-18-2002)

311.03: 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 to be a pawnbroker or precious metal dealer, respectively. No more than one pawn broker license shall be issued by the City at any time and priority shall be given to qualified applicants for renewal of existing license. (Ord. 1275, 11-18-2002) (Ord. 1414, 9-12-2011)

311.04: APPLICATION FOR LICENSE:

Every application for license under this section, whether for a natural person, partnership, corporation or other organization, shall be made on a form supplied by the city and shall contain all information as required on that form by law.

All applications for a license under this chapter shall be signed and sworn to under oath or affirmation by applicant. 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.

Any falsification on a license application shall result in the denial of a license.

When a licensee places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the dealer must complete and submit the appropriate application within 14 days. The manager shall be subject to the investigation required by section 311.05 of this chapter, and to payment of the investigation fee required by this chapter, which shall be paid in advance.

The designation of a new manager shall not cause the license to become invalid before a decision is rendered, provided proper notice and application are made by the applicant. A proposed new manager shall be referred to as the interim manager. In the event an interim manager is rejected, the licensee shall designate another interim manager and make the required application within 14 days of the decision. If a proposed manager is rejected, the decision may be appealed to the City Council by filing a written notice of appeal with the city manager within ten days after being notified of the rejection. (Ord. 1275, 11-18-2002)

311.05: INVESTIGATION BY POLICE DEPARTMENT:

- A. Investigation and Report: All applications shall be referred to the police department for

verification and investigation of the facts set forth in the application. The police department shall make a written report and recommendation to the City Council as to issuance or non-issuance of the license. The City Council may order and conduct such additional investigation as it deems necessary.

- B. Cost of Investigation; Deposit: An applicant for any license under this section shall deposit with the city, at the time an original application is submitted, \$500.00 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 city may require the actual investigation costs not exceeding \$1,500.00. (Ord. 1275, 11-18-2002)

311.06: TERM OF LICENSE AND RENEWALS:

- A. Term: All licenses issued through this section shall be for a period of 12 months beginning January 1, prorated on a monthly basis.
- B. Renewal: A license under this section will not be renewed:
 - 1. If the City Council determines that the licensee has failed to comply with the provisions of this chapter in a preceding license year.
 - 2. There would be sufficient grounds not to issue a license in the first instance. (Ord. 1275, 11-18-2002)

311.07: LICENSE FEES:

The license application fees for pawnbrokers' and precious metal dealers' licenses shall be as established by the City Fee Schedule in Section 314.05. (Ord. 1275, 11-18-2002)
(Ord.1379A, 11-17-2008)

311.075: BILLABLE TRANSACTION FEES:

- A. Licensees shall pay a monthly transaction fee on all billable transactions as set forth in section 301.03 of this title. Such fee shall be due and payable within 30days. Failure to timely pay the billable transaction fee shall constitute a violation of this chapter. (Ord. 1275, 11-18-2002)

311.076: BOND REQUIRED:

At the time of filing an application for a license, the applicant shall file a bond in the amount of \$10,000.00 with the city. The bond, with a duly licensed surety company as surety thereon, must be approved as to form by the city attorney. The bond must be conditioned on the licensee observing all ordinances of the city and all laws relating to the business of pawnbroker or precious metal dealer, and the licensee accounting for and delivering to any person legally entitled thereto any articles which may have come into the possession of the licensee as pawnbroker or precious metal dealer, or in lieu thereof such licensee paying the person or persons the reasonable value thereof. The bond shall contain a provision that it may not be canceled without thirty days advance written notice to the licensing authority. (Ord. 1275, 11-18-2002)

311.08: INELIGIBLE PERSONS AND LOCATIONS:

- A. Ineligible Persons: No licenses under this chapter shall be issued to an applicant who is a natural person, general or managing partner, manager, proprietor or agent if such applicant:
 - 1. Is a minor at the time the application is filed;
 - 2. Has been convicted of any offense related to the occupation licensed or involving

- moral turpitude;
 - 3. Is not a citizen of the United States or a resident alien;
 - 4. Is not of good moral character or repute;
 - 5. Holds an intoxicating liquor license under this code;
 - 6. Has had a pawnbroker or precious metal dealer license revoked elsewhere; or
 - 7. Other good and sufficient reason in the sole discretion of the City Council.
- B. Ineligible Locations: The following locations shall be ineligible for licenses under this chapter:
- 1. 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.
 - 2. No license shall be granted or renewed if the property on which the business is to be conducted is owned or controlled by a person who is ineligible for a license.
 - 3. The property is not properly zoned.
- C. Multiple Brokers or Dealers Prohibited: No license shall be issued for multiple pawnbrokers or precious metal dealers at one location. (Ord. 1275, 11-18-2002)

311.09: REQUIREMENTS OF LICENSEES:

- A. Record Keeping: All licensees shall maintain a computerized system for the creation, maintenance, and storage of transactional records regarding licensed activities. At the time of a receipt of an item of property, whether purchased or pawned, the pawnbroker or precious metal dealer shall immediately record, on computer disc or if the computer is temporarily unavailable in a book or journal which has page numbers that are preprinted and in an indelible ink, the following information:
- 1. Description of Item: An accurate description of the item of property including, but not limited to, any trademark, identification number, serial number, model number, brand, brand name or other identifying mark on such item;
 - 2. Date and Time: The date and time the item of property was received by the licensee, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records. Transaction identifiers must be consecutively numbered;
 - 3. Description of Person: The name, address, residence phone number, date of birth, and accurate description including: sex, height, weight, race, color of eyes and color of hair of the person from whom the item of property was received;
 - 4. Identification Number: The identification number and state or nation of issue from any of the following forms of identification of the person from whom the item of property was received:
 - a. A valid driver's license;
 - b. A valid state or national picture identification;
 - 5. Price: The price of the item paid and whether the item was purchased or pawned;
 - 6. Fees: A list of all fees and charges which the transaction may be subject to;
 - 7. Statement: A signed statement from the person from whom the item of property is received that there are no liens on the item, that it is not stolen and that the person has the right to sell it.
 - 8. Photograph or Video Recording: The licensee must also take a color photograph or color video recording of:
 - a. Each customer involved in a billable transaction.
 - b. Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed.
- The photograph taken must be at least two inches in length by two inches in width and must be maintained in such a manner that the photograph can be readily matched and

correlated with all other records of the transaction to which they relate. Such photographs must be available to the chief of police, or the chief's designee, upon request. The major portion of the photograph must include an identifiable front facial close up of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises. If a video photograph is taken, the video camera must zoom in on the person pawning or selling the item so as to include an identifiable close up of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee must inform the person that he or she is being videotaped orally and by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee must keep the exposed videotape for four months, and furnish it to the police department upon request.

9. Digitized Photographs: Effective 60 days from the date of notification by the police department licensees must fulfill the color photograph requirements by submitting them as digital images, in a format specified by the issuing authority, electronically cross referenced to the reportable transaction they are associated with.

10. Renewals, Extensions and Redemptions: For renewals, extensions and redemptions, the licensee shall provide the original transaction identifier, the date of the current transaction, the type of transaction, interest charges accrued, and any amount paid for the transaction or the article. When an article of purchased or forfeited property is sold or disposed of by a licensee the records shall contain an account of such sale with the date, the amount for which the article was sold, and the full name, current address, and telephone number of the person to whom sold.

- B. Inspection of Records: The pawnbroker or precious metal dealer shall make available the information required in subsection A of this section at all reasonable times for inspection by the city police department or other representative of the city. The information required in this section shall be retained by the pawnbroker or precious metal dealer for at least five years. Entries of required digital images shall be retained a minimum of 120 days.
- C. Daily Reports to Police Are Required: The pawnbroker or precious metal dealer shall submit daily to the police department all information required by this section regarding every reportable transaction by transferring it from their computer to the automated pawn system. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority using procedures that address security concerns of the licensees and the issuing authority. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs all patrons that all transactions are reported to the police department daily.
- D. Data Transfer Failures:
1. If a licensee is unable to successfully transfer the required reports by electronic means, the licensee must provide the police department printed copies of all reportable transactions along with the videotape(s) for that date, by 12:00 noon the next business day;
 2. If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must provide the required reports and must be charged a \$50.00 reporting failure penalty, daily, until the error is corrected; or
 3. If the problem is determined to be outside the licensee's system, the licensee must

provide the required reports and resubmit all such transaction via modem when the error is corrected.

4. If a licensee is unable to capture, digitize or transmit the photographs required by this chapter, the licensee must immediately take all required photographs with a still camera, cross reference the photographs to the correct transaction, and make the pictures available to the police department upon request.

5. Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.

6. The police department may, upon presentation of extenuating circumstances by the licensee, delay the implementation of the daily reporting penalty imposed by this section.

- E. Police Order to Hold Property: Whenever the city police department notifies the pawnbroker or precious metal dealer not to sell an item, the item shall not be sold or removed from the licensed premises until authorized to be released by the police department.
- F. Holding Period of Pawnbrokers: Any item sold or pawned to a pawnbroker for which a report to the police is required under subsection C of this section shall not be sold or otherwise transferred for 60 days after the date of the sale or pawn. However, an individual may redeem an item pawned 72 hours after the item was received on deposit by the pawnbroker, excluding Sundays and legal holidays.
- G. Receipt: The pawnbroker or precious metal dealer shall provide a receipt to the seller or pledger of any item of property received, which shall include:
 - 1. The name, address and phone number of the pawnbroker or precious metal dealer business.
 - 2. The date on which the item was received by the pawnbroker or precious metal dealer.
 - 3. A description of the item received and amount paid to the pledger or seller in exchange for the item pawned or sold.
 - 4. The signature of the pawnbroker or precious metal dealer or agent.
 - 5. The last regular business day by which the item must be redeemed by the pledger without risk that the item will be sold and the amount necessary to redeem the pawned item on that date.
 - 6. The annual rate of interest charged on pawned items received.
 - 7. The name, address, and signature of the seller or pledger.
- H. Hours of Operation: No pawnbroker or precious metal dealer shall be open for the transaction of business on any day of the week before 7:00 A.M. or after 10:00 P.M.
- I. Minors: The pawnbroker or precious metal dealer shall not purchase or receive personal property of any nature on deposit or pledge from any minor.
- J. Inspection of Items: The pawnbroker or precious metal dealer shall at all times during the term of the license allow the city police department to enter the premises where the pawnbroker or precious metal dealer business is located, for the purpose of inspecting such premises and inspecting the items, wares and merchandise therein for the purpose of locating items suspected or alleged to have been stolen or otherwise improperly disposed of.
- K. License Display: A license issued under this section must be posted in a conspicuous place in the premises for which it is used. The license issued is only effective for the compact and contiguous space specified in the approved license application.
- L. 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.
- M. Prohibited Goods: No licensee under this section shall accept any item of property

which contains an altered or obliterated serial number or "operation identification" number or any item of property whose serial number has been removed.

- N. Payment by Check: Payment of more than \$250.00 by a licensee for any article deposited, left, purchased, pledged or pawned shall be made only by a check, draft, or other negotiable or nonnegotiable instrument which is drawn against funds held by a financial institution. This policy must be posted in a conspicuous place in the premises.
- O. Holding Period for Precious Metal Dealers: Any item received by a precious metal dealer for which a report to the police is required under subsection C of this section shall not be sold or otherwise transferred for two weeks after the date of the sale.
- P. Storage Sites: All items must be stored within the licensed premises building except the city may permit the licensee to designate one locked and secured warehouse building within the city within which the licensee may store only cars, boats and other motorized vehicles. No item may be stored in the designated warehouse building that is not reported in the records pursuant to subsection A of this section. The licensee shall permit immediate inspection of the warehouse at any time during business hours by the city, and failure to do so is a violation of this chapter. Oversized items may not be stored in parking lots or other outside areas. All provisions in this section regarding record keeping and reporting shall apply to oversized items.
- Q. Off Site Sales Storage: All items accepted by a licensee at a licensed location in the city shall be for pledge or sale through a licensed location in the city. No licensee under this section shall sell any items which are transferred from a non-licensed facility or a licensed facility outside the city. (Ord. 1275, 11-18-2002)

311.10: ALARM SYSTEM REQUIRED:

An alarm system, professionally installed and approved by the city manager or his/her designee, must be installed at the licensed premises. (Ord. 1275, 11-18-2002)

311.11: SUSPENSION OR REVOCATION OF LICENSE:

- A. Violation: The City Council may suspend or revoke a license issued under this chapter upon a finding of a violation of:
 - 1. Any of the provisions of this chapter;
 - 2. any state statute regulating pawnbrokers or precious metal dealers;
 - 3. any state or local law relating to moral character and repute. Any conviction by the pawnbroker or precious metal dealer for theft, receiving stolen property or any other crime or violation involving stolen property shall result in the immediate suspension pending a hearing on revocation of any license issued hereunder.
- B. Notice; Hearing: Except in the case of a suspension pending a hearing on revocation, a revocation or suspension by the City Council shall be preceded by written notice to the licensee and a public hearing. The written 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 pawnbroker or precious metal dealer. The council may, without any notice, suspend any license pending a hearing on revocation for a period not exceeding 30 days. The notice may be served upon the pawnbroker or precious metal dealer by United States mail addressed to the most recent address of the business in the license application. (Ord. 1275, 11-18-2002)

311.12: PROHIBITED ACTS:

- A. No pawnbroker or precious metal dealer licensed under this chapter shall:
 - 1. Lend money on a pledge at a rate of interest above that allowed by law;
 - 2. Possess stolen goods;

3. Sell pledged goods before the time to redeem has expired;
 4. Refuse to disclose to the pledger, after having sold pledged goods, the name of the purchaser or the price for which the item sold;
 5. Make a loan on a pledge to a minor or purchase property from a minor;
 6. Accept for pawn, sale or consignment any article or property if the article or property belongs to another, or if another person has a security interest in the property; or
 7. Receive any article or property from a person of unsound mind or an intoxicated person.
- B. No person shall:
1. Pawn, pledge, sell, assign, lease or deposit with a pawnbroker or precious metal dealer any article of property not their own, or any article of property in which another person has a security interest.
 2. Give false or fictitious name, date of birth, address, telephone number, or identification card to a pawnbroker or precious metal dealer. (Ord. 1275, 11-18-2002)
- (Ord. 1319, 04-25-2005)

311.13: ADOPTION OF STATUTES BY REFERENCE:

Minnesota statutes, sections 325J.01 et seq., 1996, are hereby adopted by reference. Wherever this chapter is more restrictive than said statutes, this chapter will control. Wherever said statutes are more restrictive than this chapter, said statutes shall control. (Ord. 1275, 11-18-2002)

CHAPTER 312 LOCAL LODGING TAX

SECTION:

- 312.01: Definitions
- 312.02: Imposition of Tax
- 312.03: Collections
- 312.04: Exemptions
- 312.05: Advertising No Tax
- 312.06: Payments and Returns
- 312.07: Examination of Return, Adjustments, Notices and Demands
- 312.08: Refunds
- 312.09: Failure to File a Return
- 312.10: Penalties
- 312.11: Administration of Tax
- 312.12: Examination of Records
- 312.13: Violations
- 312.14: Use of Proceeds and Annual Report
- 312.15: Appeals
- 312.16: Effective Date

312.01: DEFINITIONS:

As used in this chapter, the following words and terms shall have meanings given to them by this section:

CITY: The city of Roseville.

DIRECTOR: The Finance Director of the City.

LODGER: The person obtaining lodging from an operator.

LODGING: The furnishing for consideration of lodging by a hotel, motel, rooming house, tourist court, or resort, except where such lodging shall be for a continuous period of 30 days or more to the same lodger.

OPERATOR: A person who provides lodging to others, or any officer, agent or employee of such person.

PERSON: Any individual, corporation, partnership, association, estate, receiver, trustee, executor, administrator, assignee, syndicate or any other combination of individuals.

Whenever the term "person" is used in any provision of this chapter prescribing and imposing a penalty, the term as applied to a corporation, association, or partnership, shall mean the officers or partners thereof as the case may be.

RENT: The total consideration valued in money charged for lodging whether paid in money or otherwise, but shall not include any charges for services rendered in connection with furnishing lodging other than the room charge itself. (Ord. 1200, 3-23-1998)

312.02: IMPOSITION OF TAX:

There is hereby imposed a tax of 3% on the rent charged by an operator for providing lodging to any person. The tax shall be stated and charged separately and shall be collected by the operator from the lodger. The tax collected by the operator shall be a debt owed by

the operator to the city and shall be extinguished only by payment to the city. In no case shall the tax imposed by this section upon an operator exceed the amount of tax which the operator is authorized and required by this chapter to collect from a lodger. (Ord. 1200, 3-23-1998)

312.03: COLLECTIONS:

Each operator shall collect the tax imposed by this chapter at the time rent is paid. The tax collections shall be held in trust by the operator for the city. The amount of tax shall be separately stated from the rent charged for the lodging. (Ord. 1200, 3-23-1998)

312.04: EXEMPTIONS:

An exemption shall be granted to any person as to whom or whose occupancy it is beyond the power of the city to tax. No exemption shall be granted except upon a claim therefore made at the time the rent is collected and such a claim shall be made in writing under penalty of perjury on forms provided by the city. All such claims shall be forwarded to the city when the returns and collections are submitted as required by this chapter. (Ord. 1200, 3-23-1998)

312.05: ADVERTISING NO TAX:

It shall be unlawful for any operator to advertise or hold out or state to the public or any customer, directly or indirectly, that the tax or any party thereof will be assumed or absorbed by the operator, or that it will not be added to the rent or that, if added, it or any part thereof will be refunded. In computing the tax to be collected, amounts of tax less than one cent (\$0.01) shall be considered an additional cent (\$0.01). (Ord. 1200, 3-23-1998)

312.06: PAYMENTS AND RETURNS:

The taxes imposed by this chapter shall be paid by the operator to the city not later than 25 days after the end of the month in which the taxes were collected. At the time of payment the operator shall submit a return upon such forms and containing such information as the city may require. The return shall contain the following minimum information:

- A. The total amount of rent collected for lodging during the period covered by the return.
- B. The amount of tax required to be collected and due for the period.
- C. The signature of the person filing the return or that of an agent duly authorized in writing.
- D. The period covered by the return.
- E. The amount of uncollectible rental charges subject to the lodging tax.
- F. A copy of the "Minnesota state sales and use tax return" submitted by the operator for the period covered by the return.

The operator may offset against the taxes payable with respect to any reporting period, the amount of taxes imposed by this chapter previously paid as a result of any transaction the consideration for which became uncollectible during such reporting period, but only in proportion to the portion of such consideration which became uncollectible. (Ord. 1200, 3-23-1998)

312.07: EXAMINATION OF RETURN, ADJUSTMENTS, NOTICES AND DEMANDS:

The Director may rely upon the "Minnesota state sales and use tax return" filed by the operator with the state in determining the accuracy of a return filed under this chapter.

However, the Director shall be authorized to make any investigation or examination of the records and accounts of the person making the return, if the Director reasonably determines that such steps are necessary for determining the correctness of the return. The tax computed on the basis of such examination shall be the tax to be paid. If the tax due is found to be greater than that paid, such excess shall be paid to the city within ten days after receipt of a notice thereof, given either personally or sent by registered mail to the address shown on the return. If the tax paid is greater than the tax found to be due, the excess shall be refunded to the person who paid the tax to the city within ten days after determination of such refund. (Ord. 1200, 3-23-1998)

312.08: REFUNDS:

Any person may apply to the Director for a refund of taxes paid for a prescribed period in excess of the amount legally due for that period, provided that no application for refund shall be considered unless filed within one year after such tax was paid, or within one year from the filing of the return, whichever period is the longer. The Director shall examine the claim and make and file written findings thereon denying or allowing the claim in whole or in part and shall mail a notice thereof by registered mail to such person at the address stated upon the return. If such claim is allowed in whole or in part, the Director shall credit the amount of the allowance against any taxes due under this chapter from the claimant and the balance of said allowance, if any, shall be paid by the Director to the claimant. (Ord. 1200, 3-23-1998)

312.09: FAILURE TO FILE A RETURN:

- A. If any operator required by this chapter to file a return shall fail to do so within the time prescribed, or shall make, willfully or otherwise, an incorrect, false, or fraudulent return, the operator shall, upon written notice and demand, file such return or corrected return within five days of receipt of such written notice and shall at the same time pay any tax due on the basis thereof. If such person shall fail to file such return or corrected return, the Director shall make a return or corrected return, for such person from such knowledge and information as the Director can obtain, and assess a tax on the basis thereof, which tax, less any payments theretofore made on account of the tax for the taxable period covered by such return shall be paid within five days of the receipt of written notice and demand for such payment. Any such return or assessment made by the Director shall be prima facie correct and valid, and such person shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto.
- B. If any portion of a tax imposed by this chapter, including penalties thereon, is not paid within 30 days after it is required to be paid, the city may institute such legal action as may be necessary to recover the amount due plus interest, penalties, the costs and disbursements of any action.
- C. Upon a showing of good cause, the Director may grant an operator one 30-day extension of time within which to file a return and make payment of taxes as required by this chapter provided that interest during such period of extension shall be added to the taxes due at the rate of 10% per annum. (Ord. 1200, 3-23-1998)

312.10: PENALTIES:

If any tax imposed by this chapter is not paid within the time herein specified for the payment, or an extension thereof, there shall be added thereto a specific penalty equal to 10% of the amount remaining unpaid. The amount of tax not timely paid, together with any penalty provided by this section, shall bear interest at the rate of 10% per annum from the

time such tax should have been paid until it is paid. Any interest and penalty shall be added to the tax and be collected as part thereof. (Ord. 1200, 3-23-1998)

312.11: ADMINISTRATION OF TAX:

The Director shall administer and enforce the assessment and collection of taxes imposed by this chapter. The Director shall cause to be prepared blank forms for the returns and other documents required by this chapter and shall distribute the same throughout the city and furnish them on application, but failure to receive or secure them shall not relieve any person from any obligation required of him or her under this chapter. (Ord. 1200, 3-23-1998)

312.12: EXAMINATION OF RECORDS:

The Director and those persons acting on behalf of the Director, authorized in writing by the Director, may examine the books, papers and records of any operator in order to verify the accuracy of any return made, or if no return was made, to ascertain the tax as provided in this chapter. Every such operator is directed and required to give to the Director, or such other authorized agent or employee, the means, facilities and opportunity for such examinations and investigations as are hereby authorized. (Ord. 1200, 3-23-1998)

312.13: VIOLATIONS:

Any person who shall willfully fail to make a return required by this chapter; or who shall fail to pay the tax after written demand for payment; or who shall fail to remit the taxes collected or any penalty or interest imposed by this chapter, after written demand for such payment; or who shall refuse to permit the city to examine the books, records and papers under his or her control; or who shall willfully make any incomplete, false or fraudulent return shall be guilty of a misdemeanor. (Ord. 1200, 3-23-1998)

312.14: USE OF PROCEEDS AND ANNUAL REPORT:

95% of the proceeds obtained from the collection of taxes pursuant to this chapter shall be used in accordance with Minnesota statutes section 469.190, as the same may be amended from time to time, to fund a local convention or tourism bureau for the purpose of marketing and promoting the city as a tourist or convention center. Commencing in January 2003, the Roseville Visitors Association shall, for its most recent calendar year, provide an annual year end report of its operations and its financial condition to the Roseville City Council in writing and by oral presentation at a City Council meeting. (Ord. 1259, 4-8-2002)

312.15: APPEALS:

- A. Any operator aggrieved by any notice, order or determination made by the Director under this chapter may file a petition for review of such notice, order or determination detailing the operator's reasons for contesting the notice, order or determination. The petition shall contain the name of the petitioner, the petitioner's address and the location of the lodging subject to the order, notice or determination.
- B. The petition for review shall be filed with the city within ten days after the notice; order or determination for which review is sought has been mailed or served upon the person requesting review.
- C. Upon receipt of the petition, the city manager, or the manager's designee, shall set a date for a hearing and give the petitioner at least five days prior written notice of the date, time and place of the hearing.
- D. At the hearing, the petitioner shall be given an opportunity to show cause why the

notice, order or determination should be modified or withdrawn. The petitioner may be represented by counsel of petitioner's choosing at petitioner's own expense.

- E. The hearing shall be conducted by the city manager, or the manager's designee, provided only that the person conducting the hearing shall not have participated in the drafting of the order, notice or determination for which review is sought.
- F. The person conducting the hearing shall make written findings of fact and conclusion based upon the applicable sections of this chapter and evidence presented. The person conducting the hearing may affirm, reverse or modify the notice, order or determination made by the Director.
- G. Any decision rendered by the city manager, or the manager's designee, pursuant to this section may be appealed to the City Council. A petitioner seeking to appeal the decision must file a written notice of appeal with the city within ten days after the decision has been mailed to the petitioner. The matter will thereupon be placed on the council agenda as soon as it is practical. The council shall then review the findings of fact and conclusions to determine whether they are correct. Upon a determination by the council that the findings and conclusions are incorrect, the council may modify, reverse or affirm the decision of the city manager, or the manager's designee, upon the same standards as set forth in subsection F of this section. (Ord. 1200, 3-23-1998)

312.16: EFFECTIVE DATE:

This chapter shall be in force and effect from July 1, 1998. (Ord. 1224, 6-29-1999)

CHAPTER 313

MANUFACTURED HOME PARK CLOSINGS

SECTION:

- 313.01: Purpose
- 313.02: Definitions
- 313.03: Notice of Closing
- 313.04: Notice of Public Hearing
- 313.05: Public Hearing
- 313.06: Payment of Relocation Costs to Displaced Owners
- 313.07: Payment of Additional Compensation to Displaced Owners
- 313.08: Payment of Relocation Costs to Displaced Renters
- 313.09: Penalty

313.01: PURPOSE:

In view of the peculiar nature and problems presented by the closure or conversion of manufactured home parks, the City Council finds that the public health, safety and general welfare will be promoted by requiring compensation to displaced homeowners and renters in such parks. The purpose of this chapter is to require park owners to pay displaced residents reasonable relocation costs and purchasers of manufactured home parks to pay additional compensation, pursuant to the authority granted under Minnesota Statutes, section 327C.095. (Ord. 1235, 2-28-2000)

313.02: DEFINITIONS:

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

CLOSURE STATEMENT: A statement prepared by the park owner clearly stating the park is closing, addressing the availability, location and potential costs of adequate replacement housing within a 25 mile radius of the park that is closing and the probable relocation costs of the manufactured homes located in the park.

DISPLACED OWNER: A resident of an owner-occupied manufactured home who rents a lot in a manufactured home park, including the members of the resident's household, as of the date the park owner submits a closure statement to the city.

DISPLACED RENTER: A resident of a renter-occupied manufactured home who rents both the lot and the manufactured home in the manufactured home park, including the members of the resident's household, as of the date the park owner submits a closure statement to the city.

DISPLACED RESIDENT: Displaced owner or displaced renter.

LOT: An area within a manufactured home park, designed and used for the accommodation of a manufactured home.

MANUFACTURED HOME: A structure, not affixed to or part of real estate, transportable in one or more sections, which in the traveling mode, is eight feet or more in width or 40 feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical system contained in it.

PARK OWNER: The owner of a manufactured home park and any person acting on behalf

of the owner in the operation or management of a park.

PERSON: Any individual, corporation, firm, partnership, incorporated and unincorporated association or any other legal or commercial entity. (Ord. 1235, 2-28-2000)

313.03: NOTICE OF CLOSING:

If a manufactured home park is to be closed, converted in whole or part to another use or terminated as a use of the property, the park owner shall, at least nine months prior to the closure, conversion to another use or termination of use, provide a copy of a closure statement to a resident of each manufactured home and to the City's Community Development Director. (Ord. 1235, 2-28-2000)

313.04: NOTICE OF PUBLIC HEARING:

Upon receipt of the closure statement, the Community Development Director shall schedule a hearing on the proposed park closing before the city's planning commission. The city shall mail a notice at least ten days prior to the public hearing to a resident of each manufactured home in the park stating the time, place and purpose of the hearing. The park owner shall provide the city with a list of the names and addresses of at least one resident of each manufactured home in the park at the time the closure statement is submitted to the city. (Ord. 1235, 2-28-2000)

313.05: PUBLIC HEARING:

A public hearing shall be held before the city planning commission for the purpose of reviewing the closure statement and evaluating what impact the park closing may have on the displaced residents and the park owner. (Ord. 1235, 2-28-2000)

313.06: PAYMENT OF RELOCATION COSTS TO DISPLACED OWNERS:

- A. After service of the closure statement by the park owner and upon submittal by the displaced owner of a contract or other verification of relocation expenses, the park owner shall pay to the displaced owner the reasonable cost of relocating the manufactured home to another manufactured home park located within a 25 mile radius of the park that is being closed, converted to another use, or ceasing operation. Reasonable relocation costs shall include:
1. The actual expenses incurred in moving the displaced owner's manufactured home and personal property, including the reasonable cost of disassembling, moving and reassembling sheds and any attached appurtenances, such as porches, decks, skirting and awnings, which were not acquired after notice of closure or conversion of the park, and utility "hook-up" charges.
 2. The cost of insurance for the replacement value of the property being moved.
 3. The cost of repairs or modifications that are required in order to take down, move and set up the manufactured home.
- B. If a displaced owner cannot relocate the manufactured home within a mile radius of the park which is being closed or some other agreed upon distance, and the displaced owner elects not to tender title to the manufactured home, the displaced owner is entitled to relocation costs based upon an average of relocation costs awarded to other residents in the park.
- C. A displaced owner compensated under this section shall retain title to the manufactured home and shall be responsible for its prompt removal from the manufactured home park.

- D. The park owner shall make the payments under this section directly to the person performing the relocation services after performance thereof, or, upon submission of written evidence of payment of relocation costs by a displaced resident, shall reimburse the displaced resident for such costs.
- E. The displaced owner must submit a contract or other verified cost estimate for relocating the manufactured home to the park owner as a condition to the park owner's liability to pay relocation expenses. (Ord. 1235, 2-28-2000)

313.07: PAYMENT OF ADDITIONAL COMPENSATION TO DISPLACED OWNERS:

If a displaced owner either cannot or chooses not to relocate the manufactured home within a 25 mile radius of the park that is being closed or some other agreed upon distance and tenders title to the manufactured home, the displaced owner is entitled to additional compensation to be paid by the purchaser of the park in order to mitigate the adverse financial impact of the park closing. In such instance, the additional compensation shall be an amount equal to the estimated market value or the tax assessed value of the manufactured home, whichever is greater, as determined by an independent appraiser experienced in manufactured home appraisal approved by the city. The purchaser shall pay the cost of the appraisal or shall reimburse the city for any advances it makes to such appraiser for such cost. The purchaser shall pay the additional compensation into an escrow account, established by the park owner, for distribution upon transfer of title to the home. Such compensation shall be paid to the displaced owners no later than the 90 days prior to the earlier of closing of the park or its conversion to another use. (Ord. 1235, 2-28-2000)

313.08: PAYMENT OF RELOCATION COSTS TO DISPLACED RENTERS:

- A. After service of the closure statement by the park owner and upon submittal by the displaced renter of a contract or other verification of relocation expenses, the park owner shall pay to the displaced renter reasonable costs of relocating. Reasonable relocation costs shall include:
 - 1. The actual expenses incurred in moving the displaced renter's personal property.
 - 2. The cost of insurance for the replacement value of the property being moved.
 - 3. The difference between new lot rent and closed lot rent for a period of two years, if the new lot rent is greater than the old lot rent. (Ord. 1235, 2-28-2000)

313.09: PENALTY:

- A. Violation of any provision of this chapter shall be a misdemeanor.
- B. Any provisions of this chapter may be enforced by injunction or other appropriate civil remedy.
- C. The city shall not issue a building permit in conjunction with reuse of manufactured home park property unless the park owner has paid reasonable relocation costs and the purchaser of the park has provided additional compensation in accordance with the requirements of this chapter. Approval of any application for rezoning, platting, conditional use permit, planned unit development or variance in conjunction with a park closing or conversion shall be conditional on compliance with the requirements of this chapter. (Ord. 1235, 2-28-2000)

CHAPTER 314 FEE SCHEDULE

SECTION:

- 314.01: Purpose and Findings
- 314.02: Other Fee References
- 314.03: Authority
- 314.04: Penalty
- 314.05: Fee Schedule
- 314.051: General Business Licenses and Fees
- 314.052: Administrative Fines
- 314.053: Building Permit & Plan Review Fees
- 314.054: Electrical Permits

314.01: PURPOSE AND FINDINGS

The City of Roseville annually adopts a Fee Schedule which establishes the fees and charges for service for the City's regulatory functions. The presence of a fee schedule allows regulatory-type fees to be easily identified in one document, as opposed to being scattered throughout City Code. In addition, a fee schedule adopted on an annual basis provides the City Council the opportunity to review fees for services in a comprehensive manner.

314.02: OTHER FEE REFERENCES

By enacting this ordinance, all fee amounts previously established and contained herein are hereby amended as submitted.

314.03: AUTHORITY

The authority to enact the fees identified herein is established by City Code.

314.04: PENALTY

Failure to pay the fees identified herein is subject to penalties and interest as established by City Code.

314.05: FEE SCHEDULE

The 2013 Fee Schedule is as shown in 314.051 – 314.054. (Ord. 1431, 11-19-2012), (Ord. 1433, 01-28-2013) (Ord. 1458, 11-18-2013) (Ord. 1484, 11/24/2015)

314.051: GENERAL BUSINESS LICENSES AND FEES

Item / Description	City Code	2015 Amount	2016 Amount
Amusement device – per machine	\$303	\$ 15.00	\$ 15.00
Benches in right-of-way	\$703	\$50.00	\$50.00
Assessment searches			
• Deferred / Pending	N/A	\$0.00	\$0.00
• Historical	N/A	\$100.00	\$100.00
Bowling alley			
• First alley	\$303	\$70.00	\$70.00
• Each additional alley	\$303	\$20.00	\$20.00
Burial Permit	\$401	\$100.00	\$100.00
Cigarettes, sale of	\$306	\$200.00	\$200.00
Compost and Woodchip Delivery from Compost Site	N/A	\$40.00	\$40.00
Construction noise variance	\$405.03	\$450.00	\$450.00
Conversation parlors	\$308	\$10,000.00	\$10,000.00
Copy charges per page	N/A	\$0.25	\$0.25
CPR Training charge per student	N/A	\$80.00	\$80.00
Daycare facility inspection fee	N/A	\$40.00	\$40.00
Dog and cat license			
• 2 Year; sterilized	\$501	\$10.00	\$10.00
• 2 Year; sterilized and micro chipped	\$501	\$5.00	\$5.00
• 2 Year; non-sterilized	\$501	\$35.00	\$35.00
• 2 Year; non-sterilized and micro chipped	\$501	\$25.00	\$25.00
• Lifetime; sterilized	\$501	\$30.00	\$30.00
• Lifetime; sterilized and micro chipped	\$501	\$5.00	\$5.00
• Lifetime; non-sterilized	\$501	\$150.00	\$150.00
• Lifetime; non-sterilized, but micro chipped	\$501	\$100.00	\$100.00
• Duplicate / address change	\$501	\$5.00	\$5.00
• Special multiple; 2 Year	\$501	\$40.00	\$40.00
Dog kennels	\$501	\$75.00	\$75.00
DVD / VHS Copy	N/A	\$5.00	\$5.00
Encroachment Agreement Application fee	N/A	\$300.00	300.00

Item / Description	City Code	2015 Amount	2016 Amount
Erosion control inspection permit			
Less than 1 acre	\$1017	600.00	625.00
1 to 5 acres	\$1017	880.00	900.00
More than 5 acres	\$1017	1,320.00	1,400.00
Erosion control permit <i>renewal</i>			
Less than 1 acre	\$1017	220.00	220.00
1 to 5 acres	\$1017	320.00	320.00
More than 5 acres	\$1017	480.00	480.00
Erosion control escrow fee	\$1017	3,000/acre	3,000/acre
Excavation, grading, and surfacing	\$705	See below	See below
False alarm fees – Police			
• Third false alarm	\$506	\$100.00	\$100.00
• Fourth	\$506	\$200.00	\$200.00
• Fifth	\$506	\$300.00	\$300.00
• Sixth	\$506	\$400.00	\$400.00
• Seventh and all subsequent alarms	\$506	\$500.00	\$500.00
False alarm fees – Fire			
• Third false alarm	\$506	\$300.00	\$300.00
• Fourth	\$506	\$400.00	\$400.00
• Fifth and all subsequent alarms	\$506	\$500.00	\$500.00
• Construction-related	N/A	\$150.00	\$150.00
Fertilizer, sale of	\$408	\$30.00	\$30.00
Fertilizer, applicator	\$408	\$100.00	\$100.00
Firearms, sale of	\$310	\$30.00	\$30.00
Fireworks, sale of consumer (existing retail)	N/A	\$100.00	\$100.00
Fireworks, sale of consumer (stand-alone, temporary)	N/A	\$350.00	\$350.00
Fire rescue and extrication fee	N/A	\$400.00	\$400.00
Fire safety training	N/A	\$80.00 / hr	\$80.00 / hr
Fuel storage tank inspection	N/A	\$100.00	\$100.00
Game room	\$303	\$175.00	\$175.00
Gas pumps – private business	\$310	\$60.00	\$60.00
Gasoline stations	\$310	\$130.00	\$130.00
Horse	\$501	\$5.00	\$5.00
Hospitals-veterinary	\$310	\$80.00	\$80.00

Item / Description	City Code	2015 Amount	2016 Amount
Leaf Pickup fee		55.00	0.00
Liquor licenses:			
• On sale intoxicating liquor license	\$302	\$7,000.00	\$7,000.00
• On sale wine license (75 seats or less)	\$302	\$750.00	\$750.00
• On sale wine license (75+ seats)	\$302	\$1,500.00	\$1,500.00
• Temporary on sale (3 days)	\$302	\$50.00	\$50.00
• Temporary on sale in Central Park	\$302	\$20.00	\$20.00
• Sunday on sale license	\$302	\$200.00	\$200.00
• Special club license	\$302		
51-200 members	\$302	\$300.00	\$300.00
201-500	\$302	\$500.00	\$500.00
501-1,000	\$302	\$650.00	\$650.00
1,001-2,000	\$302	\$800.00	\$800.00
4,001-6,000	\$302	\$1,000.00	\$1,000.00
More than 6,000	\$302	\$2,000.00	\$2,000.00
• On sale brewery taproom	\$302	\$3,000.00	\$3,000.00
• On sale microdistillery cocktail room	\$302	\$750.00	\$750.00
• Off sale intoxicating liquor license	\$302	\$750.00	\$750.00
• Off sale intoxicating liquor (if conditions of MN Statute 340A.408 (Sub. 3c) are met	\$302	\$300.00	\$300.00
	\$302	\$200.00	\$200.00
Liquor License – investigation fee	\$302	\$300.00	\$300.00
Liquor License – sale outside of premises	\$302	\$25.00	\$25.00
Massage therapist	\$309	\$100.00	\$100.00
Massage therapy business establishment	\$309	\$150.00 / 300.00	\$150.00/\$30 0.00
Meter Deposits	N/A	See below	See below
Open burning permit	N/A	\$90.00	\$90.00
Park Dedication – residential	\$1103	\$3,500.00/un it	\$3,500.00/un it
Park Dedication – other (b)	\$1103	7.0 % of fmv	7.0% of fmv
Pawn Shop license	\$311	\$10,000.00	\$10,000.00
Pathway patching fee			
Concrete sidewalk – 2 panels		\$675.00	\$675.00
Bituminous (12' x 8')		\$500.00	\$500.00
Pawn shop and precious metal dealer license	\$311	\$13,000.00	\$13,000.00
Pawn shop fee (per transaction)	N/A	\$2.90	\$2.90
Pool and billiards			
First table	\$303	\$70.00	\$70.00
Each additional table	\$303	\$20.00	\$20.00

Item / Description	City Code	2015 Amount	2016 Amount
Precious metal dealer	\$311	\$10,000.00	\$10,000.00
Public improvement contract application fee (a)	N/A	\$550.00	\$550.00
Recycling contractor	\$403	\$125.00	\$125.00
Rental Registration (Housing) (d)	\$907	\$25.00	\$35.00
Rental Registration – Mid Year (Jan 1-Jun 30) (d)	\$907	\$12.50	\$17.50
Rental Registration – Administrative Fine	\$907	\$100.00 per unit	\$100.00 per unit
Right-of-way permits	\$703/\$707	\$325.00	\$400.00
Sewer connection fees	\$802	see below	see below
Sewer usage fees	\$802	separate resolution	separate resolution
Soil contamination	\$406	\$1/cu.yd. up to \$300	\$1/cu.yd. up to \$300
Solid waste hauler	\$402	\$125.00	\$125.00
Stormwater drainage fees	\$803	separate resolution	separate resolution
Stormwater residential permit		\$250.00	\$250.00
Stormwater residential permit renewal (5-years)	n/a	\$100.00	\$100.00
Street patching fee (c)	n/a	\$650/\$1,300	\$650/\$1,300
Theaters – per viewing screen	\$310	\$70.00	\$70.00
Tree planting and removal	\$706	separate ordinance	separate ordinance
Utility service location fee	N/A	\$100.00	\$100.00
Vehicle forfeiture impound fee (per day)	N/A	\$20.00	\$20.00
Water connection fees	\$801	see below	see below
Water usage fees	\$801	separate resolution	separate resolution
Water tower permit – private use	\$801	separate resolution	separate resolution
Well permit	\$801	separate resolution	separate resolution
Wireless permit fee	\$1205	negotiated	negotiated

- (a) In addition to the \$550 base fee, a charge of 4% (increased from 3%) of the total improvement cost is also collected. This fee is an escrow and is estimated only. Actual costs will be collected when the improvements are completed.
- (b) Calculation is made on 7% of the estimated fair market value of unimproved land, as determined by the Ramsey County Assessor's office on the date of approval of the plat or subdivision.
- (c) Street patching fee is \$650 without a curb, and \$1,300 with a curb.
- (d) Includes technology fee.

(Ord.1400, 11-22-2010) (Ord. 1421, 11-28-2011) (Ord. 1431, 11-19-2012) (Ord. 1433, 01-28-2013)

Meter Deposit Fees

Meter	2015	2016
Res. 5/8" Meter	\$190.00	\$190.00
¾" Meter	\$215.00	\$215.00
1" Meter	\$240.00	\$240.00
1.5" Meter	\$440.00	\$440.00
2" Meter Disc	\$535.00	\$535.00
2" Meter Compound	\$1,340.00	\$1,340.00
3" Meter Compound	\$1,910.00	\$1,910.00
6" Meter Compound	\$5,430.00	\$5,430.00

314.052: ADMINISTRATIVE FINES

Item / Description	City Code	2015 Amount	2016 Amount
Alcohol and Tobacco Sales:			
Purchase, possession - underage		\$150.00	\$150.00
Lending ID to underage person		\$100.00	\$100.00
Selling tobacco – underage		\$200.00	\$200.00
Selling alcohol – underage		\$250.00	\$250.00
License holder	N / A	\$300.00	\$300.00
Other violation		\$100.00	\$100.00
Parking:			
Snowbird	N / A	\$25.00	\$25.00
Fires: No open fires		\$25.00	\$25.00
Fire Code	N / A	\$100.00	\$100.00
Animals:			
Vicious animal		\$50.00	\$50.00
Barking dog		\$50.00	\$50.00
Animal at large		\$50.00	\$50.00
Other animal violation	N / A	\$50.00	\$50.00
Miscellaneous:			
Building code		\$100.00	\$100.00
Fill permits		\$100.00	\$100.00
Failure to apply for license		\$50.00	\$50.00
Fireworks – use, possession, sale		\$250.00	\$250.00
Land use		\$100.00	\$100.00
Licenses (not occurring elsewhere)		\$50.00	\$50.00
Illegal dumping		\$150.00	\$150.00
Consuming alcohol-unauthorized places		\$250.00	\$250.00
Tampering with Civil Defense System		\$250.00	\$250.00
Seat belts		\$25.00	\$25.00

Expired license plates		\$35.00	\$35.00
Missing plate/tab		\$35.00	\$35.00
Trespassing		\$150.00	\$150.00
Golf cart / ATV violation		\$50.00	\$50.00
Noise complaint		\$250.00	\$250.00
Park ordinance violation		\$25.00	\$25.00
Peddling		\$75.00	\$75.00
Property nuisance starting with 3rd call(a)	511	\$75.00	\$75.00
Public nuisance		\$100.00	\$100.00
Regulated businesses		\$100.00	\$100.00
Signs		\$50.00	\$50.00
Snowmobiles		\$50.00	\$50.00
Discharge, display of weapon	N / A	\$250.00	\$250.00
Wetland / Shore land		\$100.00	\$100.00

(Ord. 1387, 11-16-2009) (Ord. 1396, 9-20-2010) (Ord. 1400, 11-22-2010) (Ord.1421, 11-28-2011) (Ord. 1431, 11-19-2012)

314.053: BUILDING PERMIT & PLAN REVIEW FEES

Building Permit and Plan Review Fees

City Code Sections; 307, 801, 802, 901, 1014

Building Permit Fee – Zoning and Inspections:

Permit fee to be based on job cost valuation. The determination of value or valuation shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

Total Valuation	2015 Amount	2016 Amount
\$1 - \$500	\$31.00	\$31.00
\$501 - \$2,000	\$31.00 for the first \$500 value, plus \$4 for each additional \$100 value or fraction thereof	\$31.00 for the first \$500 value, plus \$4.00 for each additional \$100 value or fraction thereof
\$2,001 - \$25,000	\$83.50 for the first \$2,000 value, plus \$16.55 for each additional \$1,000 value or fraction thereof	\$83.50 for the first \$2,000 value, plus \$16.55 for each additional \$1,000 value or fraction thereof
\$25,001 - \$50,000	\$464.15 for the first \$25,000 value, plus \$12.00 for each additional \$1,000 value or fraction thereof	\$464.15 for the first \$25,000 value, plus \$12.00 for each additional \$1,000 value or fraction thereof

Total Valuation	2015 Amount	2016 Amount
\$50,001 - \$100,000	\$764.15 for the first \$50,000 value, plus \$8.45 for each additional \$1,000 value or fraction thereof	\$764.15 for the first \$50,000 value, plus \$8.45 for each additional \$1,000 value or fraction thereof
\$100,001 - \$500,000	\$1,186.65 for the first \$100,000 value, plus \$6.75 for each additional \$1,000 value or fraction thereof	\$1,186.65 for the first \$100,000 value, plus \$6.75 for each additional \$1,000 value or fraction thereof
\$500,001 - \$1,000,000	\$3,886.65 for the first \$500,000 value, plus \$5.50 for each additional \$1,000 value or fraction thereof	\$3,886.65 for the first \$500,000 value, plus \$5.50 for each additional \$1,000 value or fraction thereof
In excess of \$1,000,000	\$6,636.65 for the first \$1,000,000 value, plus \$4.50 for each additional \$1,000 value or fraction thereof	\$6,636.65 for the first \$1,000,000 value, plus \$4.50 for each additional \$1,000 value or fraction thereof
Inspections outside of normal business hours	\$67.25	\$68.50
Re-inspection fees (per State Building code)	\$67.25	\$68.50
Misc. inspection fees	\$67.25	\$68.50
Additional plan review fee required by revisions	\$67.25	\$68.50

Building Permit Fee – Engineering:

Total Valuation	2015 Amount	2016 Amount
\$1 - \$500	\$5	\$5
\$501 - \$2,000	\$5	\$5
\$2,001 - \$25,000	\$25	\$25
\$25,001 - \$50,000	\$50	\$50
\$50,001 - \$100,000	\$75	\$75
\$100,001 - \$500,000	\$100	\$100
\$500,001 - \$1,000,000	\$200	\$200
In excess of \$1,000,000	\$300	\$300

Demolition Permit Fee:

Description	2015 Amount	2016 Amount
Tenant improvement/remodeling prior to building permit	\$73.00	\$75.00
Structures not connected to utilities	\$94.00	\$96.00
Residential structures connected to city utilities	\$160.00	\$163.00
Commercial structures connected to city utilities	\$415.00	\$425.00

Electrical Permit Fee:

Set through yearly contract with Contract Electrical Inspector

Fire Safety Inspection Fee:

An amount equal to eight percent (8%) of the amount determined by the Building Permit Fee (except for single-family dwellings) to be charged and used to defray the cost of fire safety inspections (Ord. 1237, 3-13-2000, eff. 5-1-2000)

Grading Plan Review Fee – Planning & Zoning:

Description	2015 Amount	2016 Amount
50 cubic yards or less	\$79	\$80
51 – 10,000 cubic yards	\$156.00 for the first 1,000 cubic yards, plus \$10.00 for each additional 1,000 yards or fraction thereof	\$160.00 for the first 1,000 cubic yards, plus \$10.00 for each additional 1,000 yards or fraction thereof
10,001 – 100,000 cubic yards	\$312.00 for the first 10,000 cubic yards, plus \$5.00 for each additional 10,000 yards or fraction thereof	\$318.00 for the first 10,000 cubic yards, plus \$5.00 for each additional 10,000 yards or fraction thereof
In excess of 100,000 cubic yards	\$832.00 for the first 100,000 cubic yards, plus \$10.00 for each additional 10,000 yards or fraction thereof	\$848.00 for the first 100,000 cubic yards, plus \$10.00 for each additional 10,000 yards or fraction thereof

Grading Plan Review Fee – Engineering:

Description	2015 Amount	2016 Amount
50 cubic yards or less	\$25	\$25
51 – 10,000 cubic yards	\$25	\$25
10,001 – 100,000 cubic yards	\$50	\$50
In excess of 100,000 cubic yards	\$75	\$75

Grading Permit Fee – Planning & Zoning:

Description	2015 Amount	2016 Amount
50 cubic yards or less	\$79	\$80
1 – 1,000 cubic yards	\$104.00 for the first 100 cubic yards, plus \$20.00 for each additional 100 yards or fraction thereof	\$106.00 for the first 100 cubic yards, plus \$20.00 for each additional 100 yards or fraction thereof
1,001 – 10,000 cubic yards	\$312.00 for the first 1,000 cubic yards, plus \$31.00 for each additional 1,000 yards or fraction thereof	\$318.00 for the first 1,000 cubic yards, plus \$32.00 for each additional 1,000 yards or fraction thereof
10,001 – 100,000 cubic yards	\$624.00 for the first 10,000 cubic yards, plus \$102.00 for each additional 10,000 yards or fraction thereof	\$636.00 for the first 10,000 cubic yards, plus \$104.00 for each additional 10,000 yards or fraction thereof
In excess of 100,000 cubic yards	\$1,560.00 for the first 100,000 cubic yards, plus \$82.00 for each additional 10,000 yards or fraction thereof	\$1,590.00 for the first 100,000 cubic yards, plus \$84.00 for each additional 10,000 yards or fraction thereof

Grading Permit Fee – Engineering:

Description	2015 Amount	2016 Amount
50 cubic yards or less	\$ 25.00	\$ 25.00
1 – 1,000 cubic yards	\$25.00	\$25.00
1,001 – 10,000 cubic yards	\$50.00	\$50.00
10,001 – 100,000 cubic yards	\$75.00	\$75.00
In excess of 100,000 cubic yards	\$100.00	\$100.00

Investigation Fee: Work without a Permit

Whenever any work for which a permit is required from the city has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Manufactured Home Permit Fee:

Description	2015 Amount	2016 Amount
New installation	\$270.00	\$275.00

Mechanical Permit Fee - Residential:

Description	2015 Amount	2016 Amount
Air conditioning – new	\$48.00	\$49.00
Air conditioning – replacement	\$60.00	\$61.00
Warm air furnace – new	\$100.00	\$102.00
Warm air furnace - replacement	\$60.00	\$61.00
Hot water boilers – new	\$100.00	\$102.00
Hot water boilers – replacement	\$60.00	\$61.00
Unit heaters	\$60.00	\$61.00
Swimming pool heaters	\$60.00	\$61.00
Misc. work & gas piping	1.28% of job cost	1.28% of job cost

Description	2015 Amount	2016 Amount
Gas fireplace	\$60.00	\$61.00
Minimum fee	\$60.00	\$61.00
In floor heat	\$84.00	\$85.00
Solar panel installation	\$1.28 % of job cost / \$156.00 min fee	\$1.28 % of job cost / \$160.00 min fee

Mechanical Permit Fee - Commercial:

Description	2015 Amount	2016 Amount
All commercial work	1.28% of job cost / \$60.00 min fee	1.28% of job cost / \$61.00 min fee

House Moving Permit Fee:

Description	2015 Amount	2016 Amount
Over private property only	\$93.00	\$95.00
Over public streets	\$135.00	\$137.00
Investigation fee per hour	\$67.00	\$68.50

Multi-Family Rental Licensing:

Description	2015 Amount	2016 Amount
Multi-Family Rental License annual fee	\$ 20.00/unit + \$100.00/building	\$ 20.00/unit + \$102.00/building
Reinstatement fee	\$100.00	\$102.00
Per Unit Re-inspection fee (after 1 st re inspection)	\$65.00	\$66.00
Failure to renew license within 30 days of expiration: Penalty Fee	\$500 (penalty will double every two weeks until license is paid)	\$500 (penalty will double every two weeks until license is paid)
Appeal to Council	\$0.00	\$50.00

Plumbing Permit Fee:

Description	2015 Amount	2016 Amount
Administrative/minimum fee	\$60.00	\$61.00
Additional for each fixture opening	\$10.00	\$10.00
Miscellaneous work	1.28% of job cost	1.28% of job cost
Backflow prevention verification	\$27.00	\$28.00

Plan Review Fee:

When a building permit is required and a plan is required to be submitted, a plan checking fee shall be paid. Plan checking fees for all buildings, except for construction costs in R-1 and R-2 zones which do not involve new single family structures and are of less than \$15,000, shall be sixty five percent (65%) of the building permit fee as set forth in Section 901.06 of this chapter, except as modified in M.S.B.C. Section 1300. (Ord. 1110, 4-13-1992)

The plan review fees specified are separate fees from the permit fees and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items an additional plan review fee shall be charged.

Expiration of plan review:

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

Refund Fee:

The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize a refunding of permit fees paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize a refunding of plan review fees paid when an application for a permit for which a plan review fee has paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

Sewer Connection Permit Fee – Planning & Zoning:

Description	2015 Amount	2016 Amount
Residential	\$94.00	\$96.00
Commercial	\$297.00	\$303.00
Repair	\$60.00	\$61.00
Disconnect – residential	\$84.00	\$85.00
Disconnect – commercial	\$166.00	\$169.00

Sewer Connection/Inspection Permit Fee – Engineering:

Description	2015 Amount	2016 Amount
Connection: Residential	\$ 5.00	\$ 25.00
Connection: Commercial	\$25.00	\$75.00
Connection: Repair	\$5.00	\$25.00
Connection: Inspection	n/a	\$75.00
Disconnect – residential	\$25.00	\$25.00
Disconnect – commercial	\$75.00	\$75.00

Sign Permit Fee:

Utilize building permit fee schedule. No plan review fee

Description	2015 Amount	2016 Amount
Permanent Sign – minimum fee	\$55.00	\$55.00
Annual Sign	\$100.00	\$100.00
Temporary Sign	\$25.00	\$30.00
Attention-Getting Device	\$25.00	\$30.00

Swimming Pool Permit Fee – Planning & Zoning:

Description	2015 Amount	2016 Amount
Residential In-ground pool	\$ 208.00	\$ 212.00
Residential Seasonal pool	\$24.00	\$25.00
Commercial pool	Utilize building Permit fee Schedule	Utilize building Permit fee Schedule

Swimming Pool Permit Fee – Engineering:

Description	2015 Amount	2016 Amount
Residential pool	\$15.00	\$15.00

Water Connection Permit Fee – Planning & Zoning:

Description	2015 Amount	2016 Amount
Residential	\$ 94.00	\$96.00
Commercial	\$297.00	\$303.00
Repair	\$60.00	\$61.00
Disconnect – residential	\$84.00	\$85.00
Disconnect – commercial	\$166.00	\$169.00

Water Connection/Inspection Permit Fee – Engineering:

Description	2015 Amount	2016 Amount
Connection: Residential	\$ 5.00	\$25.00
Connection: Commercial	\$25.00	\$75.00
Connection: Repair	\$5.00	\$25.00

Description	2015 Amount	2016 Amount
Connection: Inspection	n/a	\$75.00
Disconnect – residential	\$25.00	\$25.00
Disconnect – commercial	\$75.00	\$75.00
Water main tapping fee	\$325.00	\$0.00

Water Meter Program Fees – Engineering:

Description	2015 Amount	2016 Amount
Manual Meter Read Surcharge	n/a	\$ 40.00/qtr.
Non-Standard Water Meter No-Read Fee	n/a	\$50.00
Denial of Access to Water Meter	n/a	\$100.00/qtr.

Residential Property Improvement Permit Fee (Fences, Walls, Sheds, Driveways, Drain tile System) – Planning & Zoning:

Description	2015 Amount	2016 Amount
Driveway permits	\$ 50.00	\$ 55.00
Fence permits – residential	\$67.00	\$52.00
Fence permits - commercial	Use Permit Fee Schedule	Use Permit Fee Schedule
Shed permits	\$57.00	\$52.00
Drain tile	\$115.00	\$115.00
Plan Review Fee – Hourly Rate	\$0.00	\$68.50
Other – utilize building permit fee schedule		

Miscellaneous Fees:

Description	2015 Amount	2016 Amount
Minimum roofing fee	\$100.00	\$102.00
Garage only re-roofing fee	\$55.00	\$56.00
Minimum window replacement fee	\$90.00	\$92.00
Minimum siding replacement fee	\$90.00	\$92.00
Administrative fee for abatement per hour	\$67.25	\$68.50
Wood burning fireplace	\$90.00	\$92.00
Verification of state contracting license	\$5.00	\$5.00
Replacement inspection card	\$20.00	\$21.00
Re-stamping job site plan sets	\$30.00	\$31.00
Certificate of Occupancy – conditional	\$100.00	\$102.00
Certificate of Occupancy – full	\$0.00	\$0.00
Certificate of Occupancy – copy	\$0.00	\$0.00
City contractor license fee	\$92.00	\$94.00
Administrative fee – R1 or R2 zones	\$67.25	\$68.50
Administrative fee – other zones	\$67.25	\$68.50
Footing/foundation permits – residential	\$100.00	\$102.00
Footing/foundation permits – commercial	\$468.00	\$477.00
Construction deposit – residential	\$800.00	\$800.00
Construction deposit – commercial	\$4,000.00	\$4,000.00
SAC Admin Fee	\$35.00	\$36.00

Description	2015 Amount	2016 Amount
SAC Research Fee – Hourly Rate	\$0.00	\$68.50
Lead Abatement License Fee	\$5.00	\$5.00
Property Age Verification Fee	\$5.00	\$5.00
Outdoor storage/display permit: 1 occurrence	50.00	0.00
Outdoor storage/display permit: multiple	75.00	0.00
Outdoor sales/display permit: 1 occurrence	50.00	0.00
Outdoor sales/display permit: multiple	75.00	0.00
Outdoor temporary event: 1 occurrence	50.00	0.00
Outdoor temporary event: multiple	75.00	0.00
Outdoor storage/display permit: 1-5 occurrences	\$0.00	\$50.00
Outdoor storage/display permit: 6-10 occurrences	\$0.00	\$100.00
Outdoor storage/display permit: 11 or more	\$0.00	\$200.00
Outdoor sales/display permit: 1-5 occurrences	\$0.00	\$50.00
Outdoor sales/display permit: 6-10 occurrences	\$0.00	\$75.00
Outdoor sales/display permit: 11 or more	\$0.00	\$200.00
Outdoor temporary event: 1-5 occurrences	\$0.00	\$50.00
Outdoor temporary event: 6-10 occurrences	\$0.00	\$75.00
Outdoor temporary event: 11 or more	\$0.00	\$200.00

Community Development Department Permit and Miscellaneous Fees

Item/Permit	2015 Amount	2016 Amount
City Consultant and/or City Attorney Review/Research - Comm./Industrial/Multi-family land use, subdivision, economic development, utility, building permit review, traffic, or development or redevelopment projects or proposals payable as escrow or at building permit	100% of direct cost billed to applicant	100% of direct cost billed to applicant
Planned Unit Development – Amendment #	\$400	\$410
Planned Unit Development – Escrow (Amendment)****	\$2,000 minimum	\$2,000 minimum
PUD Escrow (historical data collection & analysis; site plan & survey review & analysis; city approval analysis; letter creation)	Staff hourly rate/1.9 times per hour. \$50.00 per hour minimum	\$68.50 per hour One hour minimum
Rezoning of Project Site or Parcel** #	\$650	\$675
Zoning Code Text Amendment** #	\$600	\$625
Comprehensive Plan – Amendment** #	\$900	\$925
Conditional Use - Residential** #	\$500	\$510
Conditional Use - Commercial** #	\$750	\$775
Subdivision – Escrow****	2,500 minimum	2,500 minimum
Minor Subdivision #	650 minimum	675 minimum
Subdivision Escrow (historical data collection & analysis; site plan & survey review & analysis; city approval analysis; letter creation)	Staff hourly rate/1.9 times per hour. \$50.00 per hour minimum	\$68.50 per hour One hour minimum
Subdivision – Preliminary Plat #	\$550	\$575
Subdivision - Final Plat #	\$500	\$510
Tree Preservation Restoration & Landscape Plan Application	\$0.00	\$50.00

Item/Permit	2015 Amount	2016 Amount
Tree Preservation Restoration & Landscape Plan Escrow	\$0.00	As determined by Comm. Dev. Staff
Variance - Residential** #	\$350	\$360
Variance – Non Residential** #	\$450	\$475
Interim Use** #	\$650	\$675
Interim Use extension** #	\$200	\$225
Administrative Deviation #	\$100	\$110
Zoning Compliance Letter (historical data collection & analysis; site plan & survey review & analysis; city approval analysis; letter creation)	Staff hourly rate/1.9 times per hour. \$50.00 per hour minimum	\$68.50 per hour One hour minimum
Residential Variance Appeal Fee	\$150	\$150
Commercial Variance Appeal Fee	\$300	\$300
Master Sign Plan – residential/institutional	\$250	\$250
Master Sign Plan – commercial	\$350	\$350
Accessory Dwelling Unit Permit	\$100	\$100
Tax Increment Finance (establishment of district or review of proposal, including city consultants)	\$15,000 deposit – minimum fee plus consultants fees	\$15,000 deposit – minimum fee plus consultants fees
Planning Commission Agendas/Year (mailed)	\$10.00*	\$10.00*
Planning Commission Minutes/Year (mailed)	\$15.00*	\$15.00*
Comprehensive Plan CD	\$20.00*	\$20.00*
Zoning Code CD	\$20.00*	\$20.00*
Research Staff Time	Staff hourly rate/1.9 times per hour. \$50.00 per hour minimum	\$68.50 per hour One hour minimum
Copying	\$.25/sheet	\$.25/sheet
Maps*** – 8 ½ x 11 (black and white) – existing PDF maps	No Charge*	No Charge*
Maps – 8 ½ x 11 (color) – existing PDF maps	\$1.00*	\$1.00*
Maps – 11 x 17 (color) – existing PDF maps	\$2.00*	\$2.00*
Maps – 17 x 22 (color) – existing PDF maps	\$10.00*	\$10.00*
Maps – 22 x 34 (color) – existing PDF maps	\$20.00*	\$20.00*
Maps – 34 x 44 (color) – existing PDF maps	\$40.00*	\$40.00*
City Address Book (11x17)* – existing PDF maps	\$100.00 per book*	\$100.00 per book*

* Free/no charge on internet city home page and available for review at library and city hall

** If multiple requests (such as a subdivision, a variance, and a conditional use permit) are part of one application, City charges only for most expensive permit application

*** Maps/data that are to be created as custom requests are to be charged at a time and materials rate. (GIS Coordinator hourly rate times 1.9 multiplier)

**** The amount listed under the PUD and Subdivision Escrow is the minimum amount required for the application. A higher amount, as determined by the City, may be required for projects that will take a significant amount of time. City Attorney costs shall be paid as part of this escrow.

Includes technology fee

_(Ord. 1387, 11-16-2009) (Ord. 1421, 11-28-2011) (Ord. 1431, 11-19-2012) (Ord. 1432, 11-19-2012)

314.054: ELECTRICAL PERMITS

Electrical Permit Fees

- A. Minimum fee for each separate inspection of an installation, replacement, alteration or repair is limited to one inspection only:

2015 Amount	2016 Amount
\$35.00	\$40.00

- B. Services, changes of service, temporary services, additions, alterations or repairs on either primary or secondary services shall be computed separately:

Description	2015 Amount	2016 Amount
0 to 300 amp	\$50.00	\$ 50.00
301 to 400 amp	\$58.00	\$58.00
401 to 500 amp	\$72.00	\$72.00
501 to 600 amp	\$86.00	\$86.00
601 to 800 amp	\$114.00	\$114.00
801 to 1,000 amp	\$142.00	\$142.00
1,001 to 1,100 amp	\$156.00	\$156.00
1,101 to 1,200 amp	\$170.00	\$170.00
Add \$14 for each add'l 100 amps		

- C. Circuits, installation of additions, alterations, or repairs of each circuit or sub-feeder shall be computed separately, including circuits fed from sub-feeders and including the equipment served, except as provided for in (D) through (K):

Description	2015 Amount	2016 Amount
0 to 30 amp	\$ 8.00	\$ 8.00
31 to 100 amp	\$10.00	\$10.00
101 to 200 amp	\$15.00	\$15.00
201 to 300 amp	\$20.00	\$20.00
301 to 400 amp	\$25.00	\$25.00
401 to 500 amp	\$30.00	\$30.00
501 to 600 amp	\$35.00	\$35.00
601 to 700 amp	\$40.00	\$40.00
Add \$5 for each add'l 100 amps		

Description	2015 Amount	2016 Amount
Residential panel replacement	N/A	\$ 100.00
Residential sub panel	N/A	\$40.00
Minimum fee: Inspection only	N/A	\$40.00 plus \$1 State Surcharge
Minimum fee: Rough-in & Final	N/A	\$80.00 plus \$1 State Surcharge

Description	2015 Amount	2016 Amount
Minimum fee: Single-family dwelling or townhouse not over 200 amps (3 inspections max)	N/A	\$175.00 plus \$1 State Surcharge
Apartment buildings: per unit (excludes cover service, unit feeders & house panels)	N/A	\$70.00
Swimming pool (up to 2 inspections)	N/A	\$80.00
Additions, remodels, or basement additions (up to 10 circuits and 2 inspections)	N/A	\$80.00
Accessory structures: panel	N/A	\$50.00
Accessory structures: per circuit	N/A	\$8.00
Accessory structures: inspection	N/A	\$80.00
Traffic signals: per standard	N/A	\$7.00
Street & Parking lot lights: per standard	N/A	\$4.00
Transformers and generators: up to 10KVA	N/A	\$10.00
Transformers and generators: 11-75KVA	N/A	\$40.00
Transformers and generators: 76-299KVA	N/A	\$60.00
Transformers and generators: over 299KVA	N/A	\$150.00
Retro fit lighting (per fixture)	N/A	\$0.65
Sign transformer (per each)	N/A	\$8.00
Remote control & signal circuits (per device)	N/A	\$0.75
Re-inspection fee (in addition to all others)	N/A	\$40.00
** Permit Fee is doubled if work is started before permit is issued **		

(Ord.1387, 11-16-2010) (Ord. 1421, 11-28-2011) (Ord. 1458, 11-18-2013)