



City Council Meeting

September 08, 2025

7:00 PM

Fridley City Hall, 7071 University Avenue N.E.

Agenda

Call to Order

The Fridley City Council (Council) requests that all attendees silence cell phones during the meeting. A paper copy of the Agenda is at the back of the Council Chambers. A paper copy of the entire Agenda packet is at the podium. The Agenda and all related materials may also be found on the City's website at FridleyMN.gov/1564/Agenda-Center.

Pledge of Allegiance

Proclamations/Presentations

Proposed Consent Agenda

The following items are considered to be routine by the Council and will be approved by one motion. There will be no discussion of these items unless a Councilmember requests, at which time that item may be moved to the Regular Agenda.

Meeting Minutes

- [1.](#) Approve the Minutes from the City Council Meeting of August 25, 2025
- [2.](#) Receive the Minutes from the City Council Conference Meeting of August 25, 2025

New Business

- [3.](#) Ordinance No. 1433, Creating Title No. 7 (Licensing) of the Fridley City Code and Updating the Chapters Contained Therein and Updating Chapter 209 (Fees) – Second Reading
- [4.](#) Resolution No. 2025-105, Updating City Council Appointments and Designations

Claims

- [5.](#) Resolution No. 2025-107, Approving Claims for the Period Ending September 3, 2025

Open Forum

The Open Forum allows the public to address the Council on subjects that are not on the Regular Agenda. The Council may take action, reply, or give direction to staff. Please limit your comments to five minutes or less.

Regular Agenda

The following items are proposed for the Council's consideration. All items will have a presentation from City staff, are discussed, and considered for approval by separate motions.

New Business

- [6.](#) Resolution No. 2025-106, Approving the Massage Therapy Individual License Application for Ying Song to Operate at Dave's Sport Shop
- [7.](#) Resolution No. 2025-104, Approving a Cooperative Agreement Between the City of Fridley and Great River Greening for Habitat Restoration Work at Innsbruck Nature Center

Informal Status Reports

Adjournment

Accessibility Notice:

- If you need free interpretation or translation assistance, please contact City staff.
- Si necesita ayuda de interpretación o traducción gratis, comuníquese con el personal de la ciudad.
- Yog tias koj xav tau kev pab txhais lus los sis txhais ntaub ntawv dawb, ces thov tiv tauj rau Lub Nroog cov neeg ua hauj lwm.
- Haddii aad u baahan tahay tarjumaad bilaash ah ama kaalmo tarjumaad, fadlan la xiriir shaqaalaha Magaalada.

Upon request, accommodation will be provided to allow individuals with disabilities to participate in any City of Fridley services, programs or activities. Hearing impaired persons who need an interpreter or other persons who require auxiliary aids should contact CityClerk@FridleyMN.gov or (763) 572-3450.



AGENDA REPORT

Meeting Date: September 8, 2025

Meeting Type: City Council

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Approve the Minutes from the City Council Meeting of August 25, 2025

Background

Attached are the minutes from the City Council meeting of August 25, 2025.

Financial Impact

None.

Recommendation

Staff recommend the approval of the minutes from the City Council meeting of August 25, 2025.

Focus on Fridley Strategic Alignment

- | | |
|--|---|
| ☐ Vibrant Neighborhoods & Places | ☐ Community Identity & Relationship Building |
| ☐ Financial Stability & Commercial Prosperity | ☐ Public Safety & Environmental Stewardship |
| ☒ Organizational Excellence | |

Attachments and Other Resources

- Minutes from the City Council Meeting of August 25, 2025

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



City Council Meeting

August 25, 2025

7:00 PM

Fridley City Hall, 7071 University Avenue NE

Minutes

Call to Order

Mayor Ostwald called the City Council Meeting of August 25, 2025, to order at 7:00 p.m.

Present

Mayor Dave Ostwald
Councilmember Patrick Vescio
Councilmember Ryan Evanson
Councilmember Luke Cardona
Councilmember Ann Bolkcom

Absent

Others Present

Walter Wysopal, City Manager
Jim Kosluchar, Public Works Director
Melissa Moore, Assistant City Manager

Pledge Of Allegiance

Proclamations/Presentations

1. Proclamation for Constitution Week (September 17-23, 2025)

Mayor Ostwald presented the proclamation designating September 17th through the 23rd as Constitution Week.

Approval of Proposed Consent Agenda

Motion made by Councilmember Bolkcom to adopt the proposed Consent Agenda. Seconded by Councilmember Evanson.

Upon a voice vote, all voting aye, Mayor Ostwald declared the motion carried unanimously.

Approval/Receipt of Minutes

2. Approve the Minutes from the City Council Meeting of August 11, 2025.
3. Receive the Minutes from the Parks and Recreation Commission Meeting of June 2, 2025.

4. Receive the Minutes from the HRA Commission Meeting of June 5, 2025.
5. Receive the Minutes from the Environmental Quality and Energy Commission (EQEC) Meeting of July 8, 2025.
6. Receive the Minutes from the Parks and Recreation Commission Meeting of July 9, 2025.

New Business

7. Resolution No. 2025-103, Accepting the 2025 Joint Powers Agreement Crimes Against Children (ICAC).

Claims

8. Resolution No. 2025-102, Approving Claims for the Period Ending August 20, 2025.

Open Forum, Visitors: (Consideration of Items not on Agenda – 15 minutes.)

Derek Lind, Ramsey resident, stated that he is part of the Anoka County Election Integrity Team and spoke about city autonomy.

Mike and Kathy Lee, Mounds View residents, commented that they are Springbrook Nature Center Foundation members and spoke about the upcoming Autumn Sampler Event.

Adoption of Regular Agenda

Motion made by Councilmember Evanson to adopt the regular agenda. Seconded by Councilmember Vescio.

Upon a voice vote, all voting aye, Mayor Ostwald declared the motion carried unanimously.

Regular Agenda

New Business

9. Resolution No. 2025-101, Authorizing a 2025 Budget Amendment for the Public Works Rooftop Solar Array

Jim Kosluchar, Public Works Director, provided information on the project history, changes to the project timeline, and recommendation.

Councilmember Evanson for information on the break-even point and the useful life of the panels. Mr. Kosluchar estimated that the break-even point would occur around seven years and noted that

the presentation included information on the savings the City would see over 25 years. He estimated the useful life of the panels to be about 25 years.

Councilmember Vescio referenced the project delay from 2017 to 2025 and asked if there had been a decrease in the cost of installation during that time. Mr. Kosluchar stated that there has been a cost reduction in installation as well as upgraded technology.

Councilmember Evanson asked if the break-even figure is for the total cost, or just the cost to the City. Mr. Kosluchar replied that if the project began in 2025, the City would match with \$12,000, but if the project were delayed to 2026, the City's portion of the cost would be \$48,000. He commented that the break-even point was related to the total project cost and acknowledged that it would take less time to reach the break-even point for the City's cost.

Mayor Ostwald recognized that this would be a direct usage system and asked whether any surplus could be sold back to the power company. Mr. Kosluchar stated that the City can absorb the power consumption of this system on a regular basis, and there would be a detriment to the system to go larger. He recognized that things are constantly changing, and the City could consider expanding the system in the future if desired.

Councilmember Cardona asked for information on the size of the system that would be needed for Moore Lake compared to the Public Works Facility. Mr. Kosluchar commented that the systems are of the same capacity, although the array will be more compact at Public Works.

Motion made by Councilmember Cardona to approve Resolution No. 2025-101, Authorizing a 2025 Budget Amendment for the Public Works Rooftop Solar Array. Seconded by Councilmember Bolkcom.

Upon a voice vote, all voting aye, Mayor Ostwald declared the motion carried unanimously.

10. Ordinance No. 1433, Creating Title No. 7 (Licensing) of the Fridley City Code and Updating the Chapters Contained Therein and Updating Chapter 209 (Fees) – First Reading

Melissa Moore, Assistant City Manager, provided information on the recodification process. She provided an overview of the proposed creation of Title No. 7, Licensing, and other changes contained within the draft ordinance. She reviewed the next steps for adoption of the ordinance.

The Council acknowledged the work of staff throughout the recodification process. It was also acknowledged that these changes would help to alleviate the burden on staff to review things that are already being reviewed by other entities, such as the State or County.

Motion made by Councilmember Evanson to approve the first reading of Ordinance No. 1433, Creating Title No. 7 (Licensing) of the Fridley City Code and Updating the Chapters Therein and Updating Chapter 209 (Fees). Seconded by Councilmember Vescio.

Upon a voice vote, all voting aye, Mayor Ostwald declared the motion carried unanimously.

Informal Status Reports

Councilmember Bolkcom thanked members of City staff and the Lions who volunteered at the Touch a Truck Event, which was a success. She noted that the Leopard Frog dedication will occur on September 10th at Moore Lake, which is the beginning of public art in Fridley.

Councilmember Cardona commented that his son enjoyed the Touch a Truck Event. He recognized Deputy Chief Patrick Faber and retired Community Development Director Scott Hickok for a recent tour they took him on.

Councilmember Vescio commented on his recent volunteer involvement with the backpack event at the high school and thanked the Lions for their donations and involvement with the event. Councilmember Bolkcom agreed that it is a great event, recognizing the different churches and organizations that are involved in the event.

Councilmember Evanson commented on the parks that will reopen soon, noting that more information can be found on the City website.

Mayor Ostwald noted that the work on the roundabout at 7th and Mississippi has begun. It was noted that it will be a great improvement once construction is completed.

Adjourn

Motion made by Councilmember Vescio to adjourn. Seconded by Councilmember Evanson.

Upon a voice vote, all voting aye, Mayor Ostwald declared the motion carried unanimously, and the meeting adjourned at 7:43 p.m.

Respectfully Submitted,

Melissa Moore
City Clerk

Dave Ostwald
Mayor



AGENDA REPORT

Meeting Date: September 8, 2025

Meeting Type: City Council

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Receive the Minutes from the City Council Conference Meeting of August 25, 2025

Background

Attached are the minutes from the City Council conference meeting of August 25, 2025.

Financial Impact

Recommendation

Receive the minutes from the City Council conference meeting of August 25 2025.

Focus on Fridley Strategic Alignment

- | | |
|--|---|
| ☐ Vibrant Neighborhoods & Places | ☐ Community Identity & Relationship Building |
| ☐ Financial Stability & Commercial Prosperity | ☐ Public Safety & Environmental Stewardship |
| ☒ Organizational Excellence | |

Attachments and Other Resources

- Minutes from the City Council Conference Meeting of August 25, 2025

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



City Council Conference Meeting

August 25, 2025

5:30 PM

Fridley City Hall, 7071 University Avenue NE

Minutes

Roll Call

Present: Mayor Dave Ostwald
Councilmember Patrick Vescio
Councilmember Ann Bolkcom
Councilmember Ryan Evanson
Councilmember Luke Cardona

Others Present: Wally Wysopal, City Manager
Joe Starks, Finance Director
Ryan Solberg, City Manager Office/HRA Intern
Jim Kosluchar, Public Works Director
Mike Maher, Parks and Recreation Director
Paul Bolin, Community Development Director
Melissa Moore, Assistant City Manager

Items for Discussion

1. Presentation by Ryan Solberg, City Manager Office/HRA Intern

Ryan Solberg, City Manager Office/HRA Intern, gave a presentation to the City Council regarding business retention visits he made in the City of Fridley over the summer.

2. 2026 Budget and Levy Presentation

Joe Starks, Finance Director, provided an update to the City Council on the proposed 2026 budget and its associated levy impact. Mike Maher, Parks and Recreation Director, presented on projecting staffing needs for the expanded park programs as it relates to the budget.



AGENDA REPORT

Meeting Date: September 8, 2025

Meeting Type: City Council Meeting

Submitted By: Melissa Moore, Assistant City Manager

Title

Ordinance No. 1433, Creating Title No. 7 (Licensing) of the Fridley City Code and Updating the Chapters Contained Therein and Updating Chapter 209 (Fees) – Second Reading

Background

Pursuant to Minnesota Statute § 415.02 and Fridley City Charter (Charter) § 1.02, the City Council (Council) may codify and publish ordinances that carry the force and effect of law for the City of Fridley (City), which may be arranged into a system generally referred to as the Fridley City Code (Code). Recodification of the Code was authorized by the Council by Resolution No. 2021-67.

Project update

To date the City has completed work on the first seven titles of the Code, reviewing 132 chapters and removing 403 pages of outdated and obsolete Code. This agenda item is presented for a first reading of the ordinance to create Title No. 7 (Licensing) of the Code. Title No. 8 (Public Infrastructure, Roads and Facilities) is currently under staff review.

Title	Timeline
Title No. 1 – General Provisions	Complete
Title No. 2 – Administration	Complete
Title No. 3 – Health, Safety and Welfare	Complete
Title No. 4 – Public Nuisance	Complete
Title No. 5 – Lands and Buildings	Complete
Title No. 6 – Zoning and Subdivision	Complete
Title No. 7 – Licensing	In progress
Title No. 8 – Public Infrastructure, Roads and Facilities	In progress

Title No. 7, Licensing

Staff from City Clerk, Public Safety, Community Development and Building Inspections have reviewed all chapters included in Ordinance No. 1433. This work incorporated a review of the City's current Code, research of comparable city codes in the metro area and determination of best practices with a focus on process improvement. The proposed Code reflects staff's recommendations for enhanced transparency and communication with licensees, improved internal business processes and compliance with County and State law.

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Ordinance No. 1433

The Council approved the first reading of the ordinance at its August 25 meeting. This ordinance approves new chapters of Code, amends existing chapters and repeals obsolete chapters.

Chapter	What it does	Explanation of proposed changes
Liquor	Regulates liquor operations within the City.	The proposed changes: 1. Repeal the Code's nine chapters that regulate liquor operations in the City, many with overlapping regulations. 2. Replace those nine chapters with one chapter to be called Liquor. This new chapter streamlines the City's wholistic approach to liquor licensing through its applications, compliance, minimum standards of operation and fees.
Tobacco Products	Establishes regulations for the sale and distribution of tobacco products within the City.	The proposed changes: 1. Adds a purpose statement 2. Consolidates all licensing rules and regulations 3. Consolidate sections together that address minimum standards of operation
Pawn Shops	Establishes regulatory oversight of pawn businesses within the City.	The proposed changes: 1. Updates the purpose statement to align with State law and current practice 2. Updates and adds new definitions to align with State law.
Massage	Establishes regulatory oversight of massage therapy businesses within the City.	The proposed changes: 1. Strengthen therapist licensing requirements 2. Enhance background investigations 3. Impose stricter operational standards.
Peddlers	Regulates how peddlers, solicitors and transient merchants may operate within the City.	The proposed changes: 1. Repeal the Peddlers Chapter and replace it with the Itinerant Merchants Chapter 2. Establishes a comprehensive framework for licensing business enterprises and authorized individuals permitted to sell on that business' behalf 3. Creates flexible licensing terms of 30, 60 and 90 days 4. Enhances consumer protections through enhanced backgrounding of the enterprise and individuals.
Hotels and Motels	Establishes standards and regulations for operating lodging	The proposed changes: 1. Incorporates anti-trafficking measures

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	establishments (hotels and motels) within the City.	- Enhances security requirements, (e.g., security cameras, lighting and on-site management) - Establishes guest registration requirements and duration limits.
Lodging Tax	Pursuant to State law, establishes a local sales tax upon lodging establishments.	The proposed changes: - Aligns definitions with State law - Appeals must comply with the Appeals and Administrative Citations Chapter of Code.
Lawful Gambling	Establishes oversight of lawful gambling activities within the City.	The proposed changes: - Updates the purpose statement - Simplifies definitions - Updates regulations to align the Code with State law in regard to eligibility and gambling endorsements for establishments with an On-Sale Liquor License.
Mobile Food Units	Establishes rules of operation for Mobile Food Units (food trucks and ice cream trucks).	The proposed changes: Make minor updates to the chapter's language. No substantive changes are proposed.
Christmas Trees	Establishes rules of operation for pop up Christmas tree lots.	The proposed changes: - Adds a purpose statement - Clarifies operational requirements of cut tree lots. No substantive changes are proposed.
Gasoline Sales	Establishes operational standards for fuel stations and fuel sales within the City.	The proposed changes: - Adds a purpose statement - Update the chapter's definitions to align with the State Fire Code - Removes sections (advertising, sales as advertised and misrepresentation) as these regulations are overseen by the Department of Commerce - Clarifies that each fuel station requires a City license and is inspected by the Fire Marshal - Establishes minimum standards of operation as they relate to zoning, litter clean-up, noise and exterior lighting.
Junkyards	Establishes rules of operation for businesses that salvage and store vehicles.	The proposed changes: - Updates definitions to align with State law - Organizes licensing requirements. No substantive changes are proposed.

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Motor Vehicle Body Repair	Establishes rules of operation for business that repair vehicles.	The proposed changes: 1. Updates definitions to align with State law 2. Consolidates license terms into one section. No substantive changes are proposed.
Used Motor Vehicles	Establishes rules of businesses that buy and sell used vehicles.	The proposed changes: 1. Updates definitions to align with State law 2. Updates the chapter's organization and writing style. No substantive changes are proposed.
Auctions	Establishes consumer protections to regulate auction sales within the City.	The proposed changes: 1. Adds a purpose statement to the chapter 2. Removes language surrounding legal measures that may be taken between two private parties 3. Removes language regarding penalties, which are addressed in the Penalties Chapter of the Code.
Billiards	Establishes a City license for billiard tables in commercial establishments.	The proposed changes: 1. Staff recommend repealing this chapter because billiard tables are not a typical nuisance-causing activity. Additionally, most cities no longer license this activity.
Bowling Alleys	Established a City license for bowling alleys.	The proposed changes: 1. Staff recommend repealing this chapter because bowling alleys are not a typical nuisance-causing activity. Additionally, most cities no longer license this activity.
Carnivals	Establishes a City license for outdoor circus-type events.	The proposed changes: 1. Staff recommend repeal of this chapter. In lieu of licensing this activity, the City approved a Special Event Permit that encapsulates requirements related to similar events.
Drive-In Theater	Establishes a City license for drive-in theaters.	The proposed changes: 1. Staff recommend repeal of this chapter. In lieu of licensing this activity, the City approved a Special Event Permit that encapsulates requirements related to similar events.
Food Establishment	Regulates food establishment licensing in the City.	The proposed changes: 1. Staff recommend repeal of this chapter. 2. Repeal eliminates redundancy in licensure required by Anoka County and the State 3. Reduces administrative burden 4. Preserves enforcement tools through other chapters of the Code.
Golf Courses and Driving Ranges	Establishes a City license for golf-related businesses.	The proposed changes: 1. Staff recommend repeal of this chapter.

Vision Statement

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		2. Golf-related activities do not cause nuisance-related issues and any new application for this type of use are regulated by the zoning chapters of the Code.
Music Festival	Establishes a City license for outdoor music festivals.	The proposed changes: 1. Staff recommend repeal of this chapter. 2. In lieu of licensing this activity, the City approved a Special Event Permit that encapsulates requirements related to similar events.
Public Dances	Establishes a City license for outdoor public dances.	The proposed changes: 1. Staff recommend repeal of this chapter. 2. In lieu of licensing this activity, the City approved a Special Event Permit that encapsulates requirements related to similar events.
Water Softeners	Required a permit for installation of water softeners.	The proposed changes: 1. At the recommendation of the Building Official, this chapter may be repealed because such permits are required by the State Building Code.
Fees	This chapter establishes the City's authority to charge fees for various services.	The proposed changes: 1. Reflect changes to chapter numbers, new chapters and repealed chapters. The changes are organizational in nature.

Financial Impact

None.

Recommendation

Staff recommend the Council approve a second reading of Ordinance No. 1433, Creating Title No. 7 (Licensing) of the Fridley City Code and Updating the Chapters Contained Therein and Updating Chapter 209 (Fees).

Staff recommend the Council approve the summary ordinance of Ordinance No. 1433 for publication in the Official Publication.

Attachments and Other Resources

- Ordinance No. 1433
- Summary Ordinance No. 1433

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Ordinance No. 1433

Creating Title No. 7 (Licensing) of the Fridley City Code and Updating the Chapters Contained Therein and Updating Chapter 209 (Fees)

The City Council of the City of Fridley does ordain, after review, examination and staff recommendation that the Fridley City Code be amended as follows:

Section 1

That Fridley City Code Chapter 601 (Municipal Operation of Liquor), Chapter 602 (3.2 Malt Liquor), Chapter 603 (Intoxicating Liquor), Chapter 604 (Consumption Display), Chapter 605 (Intoxicating Liquor Bottle Club Permit), Chapter 606 (Intoxicating Liquor On-Sale Club), Chapter 607 (Entertainment License), Chapter 609 (Liquor Caterers) and Chapter 610 (Liquor Manufacturers) are hereby repealed in their entirety and replaced by Fridley City Code Chapter 700 (Liquor).

~~FRIDLEY CITY CODE~~ ~~CHAPTER 601. MUNICIPAL OPERATION OF LIQUOR~~

~~601.01. DEFINITIONS~~

~~The following definitions shall apply in the interpretation and application of this Chapter and the following words and terms, wherever they occur in this Chapter, are defined as follows:~~

~~1. Beer.~~

~~Any malt beverage with an alcoholic content of more than one-half of one percent (.5%) by volume and not more than 3.2 percent (3.2%) by weight.~~

~~2. Intoxicating liquor and liquor.~~

~~Distilled, vinous and fermented beverages containing more than 3.2 percent (3.2%) of alcohol by weight.~~

~~3. Off-Sale.~~

~~Retail sale in the original package for consumption away from the dispensary.~~

~~4. On-Sale.~~

~~Sale by the drink for consumption in the dispensary.~~

~~601.02. ESTABLISHMENT~~

~~There is hereby established a Municipal Liquor Dispensary for the sale of "off-sale" intoxicating liquor.~~

~~601.03. LOCATION AND OPERATION~~

~~1. The Municipal Liquor Dispensary shall be located in such suitable places in the City as the Council may determine, except that no permits shall be issued for the operation of a Municipal Liquor Dispensary upon which the taxes or other special levies are delinquent.~~

~~2. The City Manager shall manage and operate the Municipal Liquor Dispensary under the direct supervision and direction of the Council and shall perform such duties in connection therewith as the Council may impose upon him or her. The City Manager shall be directly responsible to the Council for the conduct of the Municipal Liquor Dispensary in full compliance with the regulations and ordinances of the City and all State and Federal Laws and Regulations.~~

~~3. The Council shall provide and fix the salaries of such additional help and employees as in their judgment are necessary for the operation of said Municipal Liquor Dispensary.~~

~~4. No person under eighteen (18) years of age shall be employed at any time in the Municipal Liquor Dispensary.~~

~~601.04. DISPENSARY FUND~~

~~A. Municipal Liquor Fund is hereby created in which fund shall be paid and deposited all receipts and revenues from the operation of the Municipal Liquor Dispensary and from which fund shall first be paid expenses of operation and maintenance of the said Municipal Liquor Dispensary. The City Council may provide for the transfer of retained earnings to the General Fund of the City or to such appropriate fund as the Council by resolution may determine.~~

~~601.05. HOURS~~

~~The hours of operation shall be as provided by State Statute.~~

~~601.06. HOLIDAYS~~

~~No "off-sale" shall be made on New Years Day, January 1; Thanksgiving Day, or Christmas Day, December 25; but on the evenings preceding such days, if the sale of liquor is not otherwise prohibited on such evenings "off-sales" may be made until 10:00 p.m. except that no "off-sale" shall be made on December 24 after 8:00 p.m. (Ref. 981)~~

~~601.07. CONDITIONS AND RESTRICTIONS~~

~~1. No business other than the sale of liquor shall be carried on in the Municipal Liquor Dispensary except the retail sale of cigars, cigarettes, all forms of tobacco, beer, soft drinks, ice and accessories.~~

~~2. No pool or billiard table shall be kept in any part of the Municipal Liquor Dispensary.~~

~~3. No liquor or beer shall be sold on credit.~~

~~4. No liquor or beer shall be sold or served to a person under twenty-one (21) years of age, directly or indirectly. (Ref. 908)~~

~~5. No person under twenty-one (21) years of age shall misrepresent his or her age for the purpose of obtaining liquor or beer. (Ref. 908)~~

~~6. No person shall be permitted to loiter upon the premises of the Municipal Liquor Dispensary habitually.~~

~~7. No person who is a spendthrift, habitual drunkard or improvident person, as stated in Minnesota Statutes, Section 340.73 Subd. 2, or who is disorderly or under the influence of intoxicating liquor shall be permitted on the Municipal Liquor Dispensary premises.~~

~~8. No liquor or beer shall be sold to an intoxicated person.~~

~~9. The Municipal Liquor Dispensary shall be inspected by the Health officer of the City at least once a month and as many other times as the Health Officer deems necessary to insure that the premises are maintained in a sanitary condition.~~

~~601.08. LIABILITY INSURANCE~~

~~The Municipal Liquor Dispensary shall, prior to commencement or continuation of operation after August 1, 1983, demonstrate proof of financial responsibility with regard to liability imposed by Minnesota Statutes, Section 340.95 to the City Clerk. Proof of financial responsibility may be given by filing:~~

~~1. A certificate that there is in effect for the period covered by the license an insurance policy or pool providing the following minimum coverages:~~

~~A. \$50,000 because of bodily injury to any one person in any one occurrence, and, subject to the limit for one person, in the amount of \$100,000 because of bodily injury to two or more persons in any one occurrence, and in the amount of \$10,000 because of injury to or destruction of property of others in any one occurrence.~~

~~B. \$50,000 for loss of means of support of any one person in any one occurrence, and, subject to the limit for one person, \$100,000 for loss of means of support of two or more persons in any one occurrence; or~~

~~2. A bond of a surety company with minimum coverages as provided in Section (1) above, or~~

3. ~~A certificate of the State Treasurer that the licensee has deposited with the State Treasurer \$100,000 in cash or securities which may be legally purchased by savings banks or for trust funds having a market value of \$100,000.~~

4. ~~The City Clerk shall submit the provided proof of financial responsibility to the Commissioner of Public Safety.~~

~~601.09. ADMINISTRATIVE OFFENSES (Ref Ord 1212)~~

A. ~~Administrative Civil Penalties: Administrative offense procedures established pursuant to this chapter are intended to provide the public and the City with an informal, cost effective, and practical alternative to traditional criminal charges for violations of this ordinance. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses.~~

B. ~~At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which event the City may bring criminal charges in accordance with law. Likewise, the City, at its discretion, may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.~~

C. ~~Notice. Any officer of the Fridley Police Department shall, upon determining there has been a violation, notify the violator of the violation. Said notice shall set forth the nature, date and time of violation, the name of the officer issuing the notice and the amount of the scheduled penalty.~~

D. ~~Payment. Once such notice is given, the alleged violator may, within twenty (20) days of the time of issuance of the notice pay the amount set forth on the notice, or may request a hearing in writing, as provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.~~

E. ~~Hearing. Any person contesting an administrative offense pursuant to this Chapter may request a hearing before the Hearing Examiner. Such request shall be filed in writing with the office of the Public Safety director within twenty (20) days of the offense. The Public Safety Director shall notify the Hearing Examiner, who will notify the person contesting of the date, time, and place of hearing. The hearing shall be conducted no more than twenty (20) days after the Hearing Examiner receives notice of the request, unless a later date is mutually agreed to by the Hearing Examiner, the person contesting and the City. Within ten (10) days after such hearing, the Hearing Examiner shall affirm, repeal, or modify the charge against the person contesting.~~

~~Any person aggrieved by the decision of the Hearing Examiner may appeal with the Public Safety Director within twenty (20) days of receiving notice of the Hearing Examiner's decision. At its next available regular meeting following the filing of a notice of appeal, the Council shall review the decision and findings of fact of the Hearing Examiner and shall affirm, repeal or modify that decision.~~

~~F.——Hearing Examiner. The position of Hearing Examiner is hereby created. The City Manager may, at his discretion and with the approval of the Council, contract with third parties for the furnishing of all services of the Hearing Examiner as contained in this Chapter and set the rate of compensation therefore.~~

~~G.——Qualifications. The Hearing Examiner shall be an individual trained in law; however, it shall not be required that the Hearing Examiner be currently licensed to practice law in the State of Minnesota.~~

~~H.——Duties: The Hearing Examiner shall have the following duties:~~

- ~~1) Set dates and hear all contested cases.~~
- ~~2) Take testimony from all interested parties.~~
- ~~3) Make a complete record of all proceedings including findings of fact and conclusions of law.~~
- ~~4) Affirm, repeal or modify the penalty assessed.~~

~~I.——Failure to Pay. In the event a party charged with an administrative penalty fails to pay the penalty, the party will be charged with the criminal offense.~~

~~J.——Disposition of Penalties. All penalties collected pursuant to this Chapter shall be paid to the City's treasurer and will be deposited in the City's general fund.~~

~~601.10. VIOLATIONS (Ref Ord 1212)~~

~~A.——Administrative Civil Penalties: Any person in the employ of a Municipal Liquor Dispensary who sells any intoxicating liquor, 3.2% malt liquor, beer or wine to a person under the age of twenty-one (21) years is subject to an administrative penalty; and any person under the age of twenty-one (21) who attempts to purchase any intoxicating liquor, 3.2% malt liquor, beer or wine from a Municipal Liquor Dispensary is subject to an administrative penalty. The administrative penalties are as follows:~~

~~First violation. The penalty for the first violation is \$250.00.~~

~~Second violation within 12 months. The penalty for the second violation is \$500.00.~~

~~Third violation within 12 months. The penalty for the third violation is \$750.00.~~

~~B.——Defense. It is a defense to the charge of selling intoxicating liquor, 3.2% malt liquor, beer or wine to a person under the age of twenty-one (21) years, that the individual, in making the sale, reasonably and in good faith relied upon representation of proof of age described in State Statute Section 340A.503, subdivision 6, paragraph (a).~~

~~C. — Exemption. A person, no younger than 18 and no older than 20, may be enlisted to assist in the tests of compliance. The person shall at all times act only under the direct supervision of a law enforcement officer or an employee of the licensing department, or in conjunction with a compliance check effort that has been pre-approved by the Fridley Police department. A person who purchases or attempts to purchase intoxicating liquor, 3.2% malt liquor, beer or wine while in this capacity is exempt from the penalties imposed by subdivision A above.~~

~~601.11. PENALTIES~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

~~FRIDLEY CITY CODE~~

~~CHAPTER 602. 3.2% MALT LIQUOR~~

~~602.01. DEFINITIONS~~

~~The following definitions shall apply in the interpretation and application of this Chapter and the following words and terms, wherever they occur in this Chapter, are defined as follows:~~

~~1. 3.2 % Malt Liquor.~~

~~Any malt liquor with an alcoholic content of more than one-half of one percent (.5%) by volume and not more than 3.2% by weight.~~

~~2. Entertainment.~~

~~Includes, but is not limited to, music; singing; plays; dancing, either by the public or performers; motion pictures; exposition; performances; male or female reviews; fashion shows; TV, other than regular public channels; concerts; or any other deliberate act intended to amuse or entertain patrons and/or employees.~~

~~3. Sale, Sell, or Sold.~~

~~Includes the giving, bartering, providing, or furnishing of 3.2% malt liquor in exchange for any payment or compensation, including any sale of or charge for or any other value-based transaction for the provision of a glass, pitcher, cup or other container which is then utilized for the possession and consumption of 3.2% malt liquor. A sale is also defined as the charging of any cover charge to enter the premises for the purpose of receiving 3.2% malt liquor requiring no further payment or compensation.~~

~~602.02. LICENSES REQUIRED~~

~~1. Licenses.~~

~~No person, except wholesalers and manufacturers to the extent authorized by law, shall deal in or dispose of by sale or keep or offer for sale, any 3.2% malt liquor within the City without first having received a license as hereinafter provided. Licenses shall be of three kinds: (1) Regular "on-sale"; (2) Temporary "on-sale"; and (3) "Off-sale".~~

~~2. Regular "On-sale".~~

~~Regular "on-sale" licenses shall be granted only to bona fide clubs, restaurants, and hotels where food is prepared and served for consumption on the premises. "On-sale" licenses shall permit the sale of 3.2% malt liquor for consumption on the premises only.~~

~~3. Temporary "On-sale". Temporary "on-sale" licenses shall be granted only to clubs, charitable, religious, or nonprofit organizations for the sale of 3.2% malt liquor for consumption on the premises only. Said temporary licenses may be granted upon written application to the City Council upon forms provided by the City. The provisions of Chapter 602 of the Fridley City Code, as applicable, shall be observed by said nonprofit organizations.~~

~~4. "Off-sale". "Off-sale" licenses shall permit the sale of 3.2% malt liquor at retail, in the original package for consumption off the premises only.~~

~~5. Late Night License Endorsement. An on-sale license may be amended to include a Late Night License Endorsement subject to the terms and conditions imposed by the City Council within its discretion and otherwise in accordance with the provisions of this Chapter. No person may sell any 3.2% malt liquor under any permit issued pursuant to this chapter after 1:00 a.m. without first obtaining a Late Night License Endorsement.~~

~~602.03. LICENSE APPLICATIONS~~

~~Every application for a license to sell 3.2% malt liquor shall be made to the City Clerk on a form supplied by the City and containing such information as the Clerk or the City Council may require. It shall be unlawful to make any false statement in an application.~~

~~602.04. LICENSE FEES~~

~~1. Payment Required. Each application for a license shall be accompanied by a receipt from the City Treasurer for payment in full of the required fee for the license. All fees shall be paid into the General Fund of the City. Upon rejection of any application for a license, the Treasurer shall refund the amount paid.~~

~~2. Expiration; Pro Rata Fees. Every license except a temporary license shall expire on the last day of April of each year. Each license except a temporary license shall be issued for a period of one (1) year, except that if a portion of the license year has elapsed when the license is granted, the license shall be issued for the remainder of the year for a pro rata fee. In computing such fee, any unexpired fraction of a month shall be counted as one (1) month. A temporary license shall be issued for a specific period in which a special event to which the sale is incident is being held and such period shall be stated on the license.~~

~~3. Fees.~~

~~Every "on-sale" license shall include an "off-sale" license. Each "on-sale" license fee shall include an "off-sale" license at no additional expense. The annual and temporary license fees and initial investigation fee shall be as provided in Chapter 11 of this Code.~~

~~602.05. GRANTING OF LICENSES~~

~~1. Initial Licenses~~

~~A. Upon receipt of a complete application, the City Clerk shall forward the application to the Public Safety Director, or Director's designee, for verification and investigation of the facts set forth in the application. The Director or their designee shall complete such investigation and make a written recommendation and report to the City Clerk. The report shall include a list of all violations of any federal, state or municipal law.~~

~~B. After receipt of the written report, the City Clerk shall forward the application to the Fire Department and Building Inspections Department for their review and comment.~~

~~C. Within twenty (20) days after the receipt of the Director's written report, the City Clerk shall cause to be published a Notice of Public Hearing regarding the license application in the official newspaper at least ten (10) days in advance of the public hearing. The Notice shall include the date, time and place of the public hearing, the name of the applicant, the address of the premises to be licensed, and the nature of the business. The City Clerk shall prepare a written report to the City Council for the public hearing which shall include the Director's report and any comments the Fire and Building Inspections Departments may have. An application for a temporary on-sale 3.2% malt liquor license shall be exempt from the public hearing requirement.~~

~~D. At the time of the public hearing, opportunity shall be given to any person to be heard for or against the granting of the license. If additional information is required, the City Council may conduct an additional hearing, as it may deem advisable, within a reasonable amount of time. The City Council may thereafter grant or deny the application in its discretion.~~

~~E. The City Clerk shall, within ten (10) days after the issuance of any license under this Chapter, submit the required documentation to the Commissioner of Public Safety. The City Clerk shall also submit to the Commissioner of Public Safety any change of address, cancellation or revocation of any license by the City Council during the license period.~~

~~F. Each license is issued to the applicant at the premises described in the application. No license may be transferred to another person, entity, or to another location.~~

~~G. Where a license is granted to premises where the building that is under construction or otherwise not ready for occupancy, the City Clerk shall not issue the license until a Certificate of Occupancy has been issued. The Building Inspection Department shall notify the City Clerk that the Certificate of Occupancy has been issued and the building is ready for occupancy.~~

~~2. Renewal Licenses~~

~~A. Applications for the renewal of an existing license shall be made at least 60 days prior to the date of the expiration of the license and shall be made in such abbreviated form as the City Council may approve. If, in the judgment of the City Council, good and sufficient cause is shown by an applicant for their failure to file for a renewal within the time provided, the City Council may, if the other provisions of this Chapter are complied with, grant the application. A review shall be made of all facts set out in the application. The City Council shall grant or refuse the, application in its discretion.~~

~~B. Each license holder shall be given written notice, by mail, at least ten (10) days but not more than thirty (30) days before the City Council acts upon their license renewal. This notice shall be in a form as designated by the City Clerk and shall specify the date and time when the renewal application will be considered by the City Council. The license holder shall be permitted an opportunity to address the City Council on its license renewal application. (Ref. 806)~~

~~3. Late Night License Endorsement. An on-sale license may be amended to include a Late Night License Endorsement subject to the terms and conditions imposed by the city council within its discretion and otherwise in accordance with the provisions of this Chapter. An~~

~~application for a Late Night License Endorsement shall be made at the same time as, but separate from, an initial license or license renewal.~~

~~602.06. PERSONS INELIGIBLE FOR LICENSES~~

~~No license shall be granted to or held by any person who:~~

- ~~1. Is under twenty-one (21) years of age; (Ref. 909)~~
- ~~2. Has, within five (5) years prior to the application for such license, been convicted of a felony, or of violating any law of this State or local ordinance relating to the manufacture, sale, distribution, or possession for sale or distribution of intoxicating liquors or 3.2% malt liquor, and cannot show competent evidence under Minnesota Statutes, Section 364.03, of sufficient rehabilitation and present fitness to perform the duties of a beer licensee;~~
- ~~3. Is a manufacturer of 3.2% malt liquor or is interested in the control of any place where 3.2% malt liquor is manufactured;~~
- ~~4. Is not of good moral character and repute. If the applicant has been an owner, manager, or employee of a saloon, hotel, restaurant, cafe, tavern, or other business of a similar nature, the City Council may consider the applicant's past performance record in determining whether a license shall be granted or renewed;~~
- ~~5. Is or during the period of this license becomes the holder of a federal retail liquor dealer's special tax stamp for the sale of intoxicating liquor at any place, unless there has also been issued to him or her a local license to sell intoxicating liquor at such place; or~~
- ~~6. Is not the proprietor of the establishment for which the license is issued. (Ref. 14)~~

~~602.07. PLACES INELIGIBLE FOR LICENSE~~

- ~~1. Distance from Schools and Churches.~~

~~Except for those organizations who have been issued temporary licenses to sell 3.2 % malt liquor pursuant to Section 602.02.3, no license shall be granted for any place within 300 feet of any public or parochial school or within 300 feet of any church. In applying this restriction, the distance shall be measured in a straight line from the school or church building to the main public entrance of the premises described in the application. (Ref. 294)~~

- ~~2. Unpaid Financial Claims.~~

~~No license shall be granted for operation on any premises upon which taxes or assessments or other financial claims of the City are delinquent and unpaid.~~

~~602.08. CONDITIONS OF LICENSE~~

~~1. General Conditions.~~

~~Every license shall be granted subject to the conditions in the following subdivisions and all other provisions of this Chapter and of any other applicable ordinance of the City or State law.~~

~~2. Sales to Minors or Intoxicated Persons.~~

~~No 3.2% malt liquor shall be sold or served to any intoxicated person or to any person under twenty-one (21) years of age. (Ref. 47, 909)~~

~~3. Consumption by Minors.~~

~~No person under the age of twenty-one (21) years shall be permitted to consume 3.2% malt liquor on the licensed premises. (Ref. 909)~~

~~4. Employment Of Minors.~~

~~No person under eighteen (18) years of age shall dispense, sell or serve any 3.2% malt liquor to any individual on the licensed premises.~~

~~5. Gambling~~

~~No gambling or any gambling device shall be permitted on any licensed premises. Prohibited gambling shall include private social bets not part of or incidental to organized, commercialized, or systematic gambling. Gambling device shall include slot machines, roulette wheels, punchboards, dice, video game of chance and pin-ball machines which return coins or slugs, chips, or tokens of any kind which are redeemable in merchandise, cash or other item of value. Gambling is prohibited whether or not licensed by the State. (Ref. Ord 1211)~~

~~6. Interest of Manufacturers or Wholesalers.~~

~~No manufacturer or wholesaler of 3.2% malt liquor shall have any ownership or interest in an establishment licensed to sell at retail contrary to the provisions of Minnesota Statutes. No retail licensee and manufacturer or wholesaler of 3.2% malt liquor shall be parties to any exclusive purchase contract. No retail licensee shall receive any benefits contrary to law from a manufacturer or wholesaler of 3.2% malt liquor and no such manufacturer or wholesaler shall confer any benefits contrary to law upon a retail licensee.~~

~~7. Liquor Dealer's Stamp.~~

~~No licensee shall sell 3.2% malt liquor while holding or exhibiting in the licensed premises a federal retail liquor dealer's special tax stamp unless he or she is licensed under the laws of Minnesota to sell intoxicating liquors.~~

~~8. Sales of Intoxicating Liquor.~~

~~No licensee who is not also licensed to sell intoxicating liquor shall sell or permit the consumption and display of intoxicating liquors on the licensed premises or serve any liquids for the purpose of mixing with intoxicating liquor. The presence of intoxicating liquors on the premises of such a licensee shall be prima facie evidence of possession of intoxicating liquors for the purpose of sale.~~

~~9. Inspection.~~

~~Any police officer or health inspector may enter, inspect and search the premises of a licensee during business hours without a search and seizure warrant and may seize all intoxicating liquors and other evidence of violations found on the licensed premises in violation of this Chapter.~~

~~10. Licensee Responsibility.~~

~~Licensees shall be responsible for the conduct of their place of business and shall maintain conditions of sobriety and order. The act of any employee on the licensed premises authorized to sell or serve 3.2% malt liquor shall be deemed the act of the licensee as well and the licensee shall be liable to all penalties provided by this Chapter equally with the employee.~~

~~11. Certain Exhibitions and Conduct Prohibited.~~

~~No licensee shall permit in any licensed establishment, or any adjoining property owned or leased by the licensee, any boxing, wrestling, or any other form of entertainment whose primary purpose is physical contact by striking or touching an opponent with hands, head, feet, or body. Team sports in which physical contact is incidental to the primary purpose of the game such as basketball, volleyball, soccer, football, baseball, hockey, and softball, are not included among activities prohibited by this section.~~

~~12. No licensee shall use or permit to be used any playing cards on the licensed premise except that playing cards may be used during a tournament of a social skill card game as defined by Minnesota Statute 609.761, subdivision 3, and conducted pursuant to regulations contained therein and this City Code.~~

~~A. Social Skill Card Game Tournament~~

~~(1) A social skill card game tournament means one separate and distinct organized contest involving contestants who compete in a series of elimination card games of social skill as defined by Minnesota Statute 609.761, subdivision 3.~~

~~(2) No licensee shall permit or conduct more than one social skill card game tournament at any one time on the licensed premise or any adjoining property owned or leased by the licensee and no social skill card game tournament shall be permitted or conducted except during the normal hours of operation of the licensed premise.~~

~~(3) No licensee shall charge or permit to be charged, to either participants or spectators of a social skill card game tournament, a price for consumer goods which is higher than the price that is normally charged.~~

~~(4) No licensee shall permit wagers in a social skill card game tournament to be made with currency or any other thing of value except tournament chips or tokens. Tournament chips or tokens shall represent tournament points only and shall have no cash value or be redeemable for cash or for any other thing of value, except the point total represented by the players' accumulation of tournament chips or tokens shall be used to determine winners and/or final place in a tournament.~~

~~(5) No licensee shall permit players or spectators to make any side bets or back bets, or engage in any other form of gambling, at a social skill card game tournament.~~

~~(6) No licensee shall permit the aggregate amount or fair market value of prizes offered or given in any single social skill card game tournament to exceed \$200 and no licensee shall award or permit to be awarded prizes exceeding a \$200 value to any one social skill card game tournament participant on any one day.~~

~~(7) No licensee shall award or permit to be awarded any prize consisting of intoxicating liquor, beer, or wine, or certificate for future consideration of same, in a social skill card game tournament.~~

~~(8) No person, partnership, corporation, or other organization, other than the licensee, shall conduct or be permitted to conduct a social skill card game tournament on a licensed premise without first having obtained a tournament service provider license pursuant to this Chapter.~~

~~B. Social Skill Card Game Tournament Service Provider~~

~~(1) A person, partnership, corporation, or other organization, other than the licensee, who conducts, organizes, supplies or promotes a social skill card game tournament on a premise licensed under this Chapter, is a social skill card game tournament service provider.~~

~~(2) No person, partnership, corporation, or other organization shall act as a social skill card game tournament service provider without first having obtained a license to do so from the City Council.~~

~~(3) All applications for tournament service provider licenses shall be made to the City setting forth all information necessary to show whether or not the person, partnership, corporation, or other organization qualifies for such a license under this Chapter, together with such additional information as may be required by the City Council. A completed application form must include the full true names, dates of birth, social security numbers and addresses of all persons financially interested in the business and/or all persons who are either on the Board of Directors of or hold offices in the entity or organization. The term "persons financially interested in the business" shall include all persons who share in the profits of the business.~~

~~(4) All applications for a license shall be referred to the Public Safety Director for verification and investigation of the facts set forth in the application. The Public Safety Director shall cause to be made such investigation of the information requested as shall be necessary and shall make a written recommendation and report to the City Council which shall include a list of all violations of Federal or State law or Municipal ordinance. The City Council may order and conduct such additional investigation as it shall deem necessary. In making a determination of suitability for a tournament service provider license, the City Council shall consider the background of each person, partner, corporate officer or individual applicant.~~

~~(5) No license shall be granted or held by any person who has been convicted, within 15 years prior to the application of such license, of any felony violation of any law of the United States, the State of Minnesota, or any other state or territory, or of any local ordinance involving or related to theft or gambling.~~

~~(6) The annual license fee and expiration date shall be as provided in Chapter 11 of this Code.~~

~~602.09. HOURS~~

~~1. Closing Hours.~~

~~No sale of 3.2% malt liquor may be made between 2:00 a.m. and 8:00 a.m. on the days of Monday through Sunday. No sale may be made between the hours of 8:00 p.m. December 24th and 8:00 a.m. on December 26th without Holiday Endorsement. (Ref Ord 1271, 1335)~~

- ~~A. Holiday Endorsement. If an establishment has a joint 3.2% malt liquor license and a wine license, they may apply for one holiday endorsement to cover both licenses.~~
- ~~B. The Holiday Endorsement enables the establishment to remain open on Monday through Saturday between the hours of 8:00 a.m. on December 24th and 1:00 a.m. on December 25th and between 8:00 a.m. on December 25th and 1:00 a.m. on December 26th. Should December 24th, 25th or 26th fall on a Sunday, the establishment may not sell, provide or allow the consumption of liquor until 10:00 a.m. or until such other time as defined by Minnesota Statutes.~~
- ~~C. Those establishments which also hold a Late Night Endorsement as defined in Section 602.9.3 of the Fridley City Code may also remain open until 2:00 a.m. on December 25th and 26th.~~

~~2. Remaining on Premises.~~

~~It shall be unlawful for any persons or customers, other than the licensee or their employees, to remain on the premises after 1:30 a.m. There shall be no consumption of wine, 3.2% malt liquor, or any intoxicating liquor by any persons, including licensees or their employees, after 1:30 a.m.~~

~~3. Notwithstanding the foregoing, a sale of 3.2% malt liquor may occur on a licensed premises between the hours of 1:00 a.m. and 2:00 a.m. if the licensee has been granted by the city a Late Night License Endorsement for that license. No sale of 3.2% intoxicating liquor for consumption~~

~~on any license premises for which a Late Night Endorsement has been granted by the city shall occur between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday. It shall be unlawful for the persons or customers, other than the licensees or their employees, to remain on a licensed premises for which a Late Night License Endorsement has been granted by the city, nor shall there be any consumption by any persons, including the licensees and their employees on such premises, more than one half hour after closing of operations for that day and, in no event, later than 2:30 a.m. (Ord 1197)~~

~~602.10. CLUBS~~

~~No club shall sell 3.2% malt liquor except to members and to guests in the company of members.~~

~~602.11. RESTRICTIONS ON PURCHASE AND CONSUMPTION~~

~~1. Age Misrepresentation.~~

~~Persons under twenty-one (21) years of age shall not misrepresent their age for the purpose of obtaining 3.2% malt liquor.~~

~~2. Inducing Purchase.~~

~~No person shall induce a person under the age of twenty-one (21) years to purchase or procure 3.2% malt liquor.~~

~~3. Procurement.~~

~~No person other than the parent or legal guardian shall procure 3.2% malt liquor for any person under the age of twenty-one (21) years. This section shall not prohibit the use of a person under the age of twenty-one (21) to attempt to purchase or procure 3.2% malt liquor from a licensee in a test of the licensing department, or in conjunction with a compliance check effort that has been pre-approved by the Fridley Police Department.~~

~~4. Possession.~~

~~Persons under twenty-one (21) years of age shall not have 3.2% malt liquor in their possession with the intent to consume it at a place other than the household of their parents or guardians. (Ref. 909)~~

~~5. Liquor Consumption and Display.~~

~~No person shall consume or display any intoxicating liquor on the premises of a licensee unless said licensee is also licensed to sell intoxicating liquors.~~

~~602.12. ENTERTAINMENT LICENSE REQUIRED-~~

~~No person operating an establishment in the business of selling, permitting to be displayed or consumed an intoxicating liquor or 3.2% malt liquor shall permit any entertainment on the premises without having secured a license from the City Council to permit such entertainment.~~

~~602.13. LIABILITY INSURANCE~~

~~1. Every person licensed to sell on-sale or off-sale retail intoxicating liquor or 3.2% malt liquor or wine shall demonstrate proof of financial responsibility with regard to liability imposed by Minnesota Statutes, Section 340A.409801 to the City Clerk as a condition of the issuance or renewal of his or her license. Proof of financial responsibility may be given by filing:~~

~~1. A. — A certificate that there is in effect for the period covered by the license an insurance policy or pool providing the following minimum coverages:~~

~~(2) (1) \$50,000 because of bodily injury to any one person in any one occurrence, and, subject to the limit for one person, in the amount of \$100,000 because of bodily injury to two or more persons in any one occurrence, and in the amount of \$10,000 because of injury to or destruction of property of others in any one occurrence; and.~~

~~(2) \$50,000 for loss of means of support of any one person in any one occurrence, and, subject to the limit for one person, \$100,000 for loss of means of support of two or more persons in one occurrence or~~

~~B. — A bond of a surety company with minimum coverages as provided in clause (A) above, or~~

~~C. — A certificate of the Commissioner of Finance that the licensee has deposited with the~~

~~Commissioner of Finance \$100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of \$100,000.~~

~~2. A liability insurance policy required by Section 602.13.1 shall provide that it may not be canceled for any cause, either by the insured or the insurance company without first giving ten (10) days notice to the City of Fridley in writing of the intention to cancel it, addressed to the City Clerk of the City of Fridley.~~

~~3. A liability insurance policy required by Section 602.13.1 shall provide that the insurance company agrees to contact the City of Fridley in writing and addressed to the City Clerk of the City of Fridley, within ten (10) days of any claim made against the policy.~~

~~4. A liability insurance policy required by Section 602.13.1 that contains, annual aggregate limits of liability shall require the insured to buy additional coverage after any claim is made that reduces the coverage under the policy below the requirements of Section 602.13.1.~~

~~5. The operation of an on-sale or off-sale retail intoxicating, 3.2% malt liquor or wine business, without having on file at all times with the City of Fridley the liability insurance policy or other~~

~~evidence of financial responsibility required under Section 602.13.1 shall be grounds for immediate revocation of the license. Notice of cancellation of a current liquor liability policy serves as notice to the licensee of the impending revocation and unless evidence of compliance with the financial responsibility requirements of Section 602.13.1 is presented to the City Clerk before the termination is effective, the license will be revoked instantly upon the lapse.~~

~~6. The City Clerk shall submit the provided proof of financial responsibility to the Director of Public Safety.~~

~~602.14. PATIO ENDORSEMENT (Ref Ord 1242)~~

~~1. Statement of Policy~~

~~The sale of alcoholic beverages pursuant to any of the licenses issued in accordance with Chapters 602, 603 and 606 of the City Code, with the exception of a temporary license, will be limited to the sale and consumption inside of a structure on the licensed premises, unless the licensee applies for and receives approval from the City Council for a Patio Endorsement to allow the sale and consumption outside of a structure on the licensed premises.~~

~~2. Regulations~~

- ~~A. An outdoor patio shall not be enclosed in such a manner that the air becomes indoor air as defined by state law.~~
- ~~B. The patio shall be attached to the licensed premises and share at least one common wall or side with the licensed premise building/structure. The contiguous area will not be part of a public street, sidewalk or other public grounds.~~
- ~~C. If part of the parking lot is used to install an outdoor patio, the patio must share one common wall with the licensed premise. In addition, the licensed premise must continue to meet the parking requirements set by city code and the patio shall not affect the circulation of traffic.~~
- ~~D. Access to the patio shall be directly from the licensed premise with no direct access other than an emergency exit (exit only) equipped with an alarm, from any area other than by passing through the normal interior public areas of the licensed premise.~~
- ~~E. The patio shall be clearly delineated by a permanent installed fence, or other structure or barrier, at least 42" high to prevent the ingress or egress of persons to and from the patio. The fence shall be designed and constructed in a manner that discourages or deters the passing of any regulated, controlled or prohibited items outside from one side of the barrier fence to the other side of the fence.~~
- ~~F. Panic and fire exit hardware shall be installed on the fence or barrier and comply with the Minnesota Building Code.~~

- ~~G. Patios in direct contact with, or immediately adjacent to a parking area for motor vehicles, shall have sufficient barriers installed, as defined by the Minnesota Building Code, to reduce the likelihood of incursion of vehicles into the patio space.~~
- ~~H. The licensee shall pay the current Metropolitan Council S.A.C. unit(s) for outside seating.~~
- ~~I. The patio shall be placed in an area to meet the state and federal accessibility requirements.~~
- ~~J. Live entertainment may shall be allowed in the patio area between the hours of 9:00 am and 10:00 pm. Music, sound, or noise in the patio enclosure shall comply with the provisions and requirements of Chapter 124 of the Fridley City Code at all times.~~
- ~~K. The sale and consumption of 3.2% malt liquor within the patio is limited to the normal business hours. No licensee, nor the employee, nor agent of any license will serve, dispense, possess, display, or in any manner furnish 3.2% malt liquor at any other time.~~
- ~~L. All other conduct pertaining to the licensed premises required by this Code or Minnesota state statutes shall apply.~~

~~3. Application~~

~~Any restaurant to which an on-sale 3.2% malt liquor license has been issued may submit an application to the City for a patio endorsement. The application shall contain a description of the outdoor area that is proposed to be licensed and must will be accompanied by a drawing of the proposed area to be licensed. The application will also include a detailed description of the barriers that will be used, the method of seating, ingress and egress arrangements, security provisions, sanitary and fire arrangements and lighting. The drawings must include the dimensions of the area, barriers, tables, aisles and equipment, and must be drawn proportionately to scale.~~

~~This application must be submitted to the City Clerk for review and comment by the Police Department, Fire Department, and Community Development Department before submission to the City Council. The City staff will review the suitability of the proposed licensed area in light of the applicable fire, building and life safety codes, zoning codes, past performance of the licensee in maintaining order and obeying applicable laws in the licensed patio and in the principal licensed premises, the adequacy of the proposal to provide for the safety of persons on the proposed premises, impact on the surrounding land, adequacy of lighting, appropriateness of noise level, suitability of ingress and egress arrangements including control of persons entering and leaving for purposes of preventing consumption by minors and safety of seating arrangements.~~

~~If the patio endorsement is approved by the City Council, the licensee would be required to apply for and pay for the appropriate building permits and fees.~~

~~4. Violations~~

- ~~A. It shall be a violation of this code, by the license holder and/or any employees or agents of the license holder, to permit, allow or fail to prevent persons from directly accessing the patio by means other than through the building on the premises.~~
- ~~B. It shall be a violation of this code by the license holder and/or any employees or agents of the license holder, or to allow any other person, to provide, furnish or give any 3.2% malt liquor, tobacco products, weapons, or any other regulated controlled or prohibited items (for example, drugs, dice, cards, etc.) from one side of the fence or barrier to the other.~~
- ~~C. Any violation of the provisions of this Code or of the state law regulating the sale of 3.2% malt liquor which occur in the patio area will be considered as a violation of the principal on-sale license for the premises.~~

602.15. ADMINISTRATIVE OFFENSES

- ~~1. Administrative Civil Penalties: Administrative offense procedures established pursuant to this chapter are intended to provide the public and the City with an informal, cost effective, and practical alternative to traditional criminal charges for violations of this ordinance. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses.~~
- ~~2. Every licensee shall be responsible for the conduct of its employees while on the licensed premises and any sale or other disposition of any intoxicating liquor, 3.2% malt liquor, or wine by an employee to any person under twenty-one (21) years of age shall be considered an act of the licensee for purposes of imposing an administrative penalty, license suspension, or revocation.~~
 - ~~A. Individual. At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which event the City may bring criminal charges in accordance with law. Likewise, the City, at its discretion, may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.~~
 - ~~B. Licensee. At any time prior to the payment of the administrative penalty as is provided for hereafter, the licensee may withdraw from participation in the procedures in which event the City may permanently revoke the license issued to the licensee under this Chapter in accordance with law. Likewise, the City, in its discretion, may revoke the license issued to the licensee under this Chapter in the first instance. In the event a licensee participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will suspend the license issued to the licensee under this Chapter in accordance with section 602.15.B of this ordinance.~~
- ~~3. Notice. Any officer of the Fridley Police Department shall, upon determining there has been a violation, notify the violator of the violation. Said notice shall set forth the nature, date~~

~~and time of violation, the name of the officer issuing the notice and the amount of the scheduled penalty.~~

~~4. — Payment. Once such notice is given, the alleged violator may, within twenty (20) days of the time of issuance of the notice pay the amount set forth on the notice, or may request a hearing in writing, as provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.~~

~~5. — Hearing. Any person contesting an administrative offense pursuant to this Chapter may request a hearing before the Hearing Examiner. Such request shall be filed in writing with the office of the Public Safety director within twenty (20) days of the offense. The Public Safety Director shall notify the Hearing Examiner, who will notify the person contesting and the licensee of the date, time, and place of hearing. The hearing shall be conducted no more than twenty (20) days after the Hearing Examiner receives notice of the request, unless a later date is mutually agreed to by the Hearing Examiner, the licensee, the person contesting and the City. Within ten (10) days after such hearing, the Hearing Examiner shall affirm, repeal, or modify the charge against the licensee or the person contesting. Any person aggrieved by the decision of the Hearing Examiner may appeal with the Public Safety Director within twenty (20) days of receiving notice of the Hearing Examiner's decision. At its next available regular meeting following the filing of a notice of appeal, the Council shall review the decision and findings of fact of the Hearing Examiner and shall affirm, repeal or modify that decision.~~

~~6. — Hearing Examiner. The position of Hearing Examiner is hereby created. The City Manager may, at his discretion and with the approval of the Council, contract with third parties for the furnishing of all services of the Hearing Examiner as contained in this Chapter and set the rate of compensation therefore.~~

~~7. — Qualifications. The Hearing Examiner shall be an individual trained in law; however, it shall not be required that the Hearing Examiner be currently licensed to practice law in the State of Minnesota.~~

~~8. — Duties: The Hearing Examiner shall have the following duties:~~

- ~~A. Set dates and hear all contested cases.~~
- ~~B. Take testimony from all interested parties.~~
- ~~C. Make a complete record of all proceedings including findings of fact and conclusions of law.~~
- ~~D. Affirm, repeal or modify the penalty assessed.~~

~~9. — Failure to Pay. In the event a party charged with an administrative penalty fails to pay the penalty, if an individual, the party will be charged with the criminal offense; if a licensee, the Council will suspend the license issued to the licensee under this Chapter.~~

~~10. — Disposition of Penalties. All penalties collected pursuant to this Chapter shall be paid to the City's treasurer and will be deposited in the City's general fund.~~

602.16.VIOLATIONS

~~1. — Administrative Civil Penalties: Individuals. Any person in the employ of a licensee who sells any intoxicating liquor, 3.2% malt liquor, or wine to a person under the age of twenty-one (21) years is subject to an administrative penalty; and any person under the age of twenty-one (21) years who attempts to purchase any intoxicating liquor, 3.2% malt liquor, or wine from a licensee is subject to an administrative penalty. The administrative penalties are as follows:~~

~~First violation. The penalty for the first violation is \$250.00.~~

~~Second violation within 12 months. The penalty for the second violation is \$500.00.~~

~~Third violation within 12 months. The penalty for the third violation is \$750.00.~~

~~2. — Administrative Civil Penalties; Licensee. If a licensee or an employee of a licensee is found to have sold any intoxicating liquor, 3.2% malt liquor, or wine to a person under the age of twenty-one (21) years, the licensee shall be subject to an administrative penalty as follows:~~

~~First violation. The penalty for the first violation is \$500.00. If the fine is not paid within 20 days the City may suspend the license issued to the licensee under this Chapter for a period not to exceed 10 days.~~

~~Second violation within 12 months. The penalty for the second violation is \$1000.00. If the fine is not paid within 20 days the City may suspend the license issued to the licensee under this Chapter for a period not to exceed 30 days.~~

~~Third violation within 12 months. The city may permanently revoke the license issued to the licensee under this Chapter.~~

~~3. — Defense. It is a defense to the charge of selling intoxicating liquor, 3.2% malt liquor, or wine to a person under the age of twenty-one (21) years, that the licensee or individual, in making the sale, reasonably and in good faith relied upon representation of proof of age described in State Statute Section 340A.503, subdivision 6, paragraph (a).~~

~~4. — Exemption. A person, no younger than 18 and no older than 20, may be enlisted to assist in the tests of compliance. The person shall at all times act only under the direct supervision of a law enforcement officer or an employee of the licensing department, or in conjunction with a compliance check effort that has been pre-approved by the Fridley Police department. A person who purchases or attempts to purchase intoxicating liquor, 3.2% malt liquor, or wine while in this capacity is exempt from the penalties imposed by subdivision A above.~~

~~602.17. REVOCATION~~

~~The violation of any provision or condition of this Chapter by 3.2% malt liquor licensees or their agents is ground for revocation or suspension of the license. The license of any person who holds a federal retail liquor dealer's special tax stamp without a license to sell intoxicating liquors at such place shall be revoked without notice and without hearing. In all other cases, except where mandatory revocation is provided by law without notice and hearing and except where suspension may be made without a hearing, the holder of the license shall be granted a hearing upon at least ten (10) days notice before revocation or suspension is ordered. The notice shall state the time and place of hearing and the nature of the charges against the licensee.~~

~~602.18. PENALTIES~~

~~Any violation of the provisions of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

~~FRIDLEY CITY CODE CHAPTER 603. INTOXICATING LIQUOR~~

~~603.01. DEFINITIONS.~~

~~The following definitions shall apply in the interpretation and application of this Chapter and the following words and terms, wherever they occur in this Chapter, are defined as follows: (Ref 435).~~

~~1. Bowling Center/Restaurant (Ref Ord 1223~~

~~An establishment under the control of a single proprietor or manager, having a minimum of 20 lanes for the sport of bowling and where, in consideration of payment therefore, the general public is permitted to participate in the sport of bowling. Such establishment shall have a kitchen and other facilities to serve meals and where, in consideration of payment therefore, meals are regularly served at tables to the general public. Such establishment employs an adequate staff for the usual and suitable service to its guests, and the business of bowling, including sale or rental of bowling equipment and supplies, for a license year is a minimum of 60% of the total gross sales of the business.~~

~~2. Brew Pub (Ref Ord 1335)~~

~~A brew pub is a restaurant attached to a brewery which manufactures fewer than 3,500 barrels of malt liquor annually. The entire brewing production is solely for the sale and consumption of malt liquor on tap on the licensed premises or for off-sale from the licensed premises as permitted by M.S. 340A.24, Subd. 2, and City Code Chapter 610.~~

~~3. Church~~

~~A building which is principally used as a place where persons of the same faith regularly assemble for public worship.~~

~~4. Floor Area.~~

~~All of the floor area of the various floors of a licensed premise measured to the centers of all partitions, except those areas primarily for non-service purposes including, but not limited to, dead storage, building management, toilets or restrooms, mechanical equipment rooms and kitchens. Floor area is used to calculate the license fee.~~

~~Banquet facilities used less than five (5) times per week, on the average, are counted at one-half (1/2) actual size.~~

5. ~~Hotel.~~

~~Any establishment having a resident proprietor or manager, where, in consideration of payment therefore, food and lodging are regularly furnished to transients. Such establishment maintains for the use of its guests not less than 50 guest rooms with bedding and other usual, suitable and necessary furnishing in each room; is provided at the main entrance with a suitable lobby, desk, and office for the registration of its guests on the ground floor; employs an adequate staff to provide suitable and usual service under the same management and control as the rest of the establishment; and has a kitchen and dining room with a total minimum floor area of 2,000 square feet where the general public are, in consideration of payment therefore, served meals at tables. (Ref. 1172)~~

6. ~~Intoxicating Liquor.~~

~~Ethyl alcohol and distilled, fermented, spirituous, vinous, and malt beverages containing in excess of 3.2% of alcohol by weight.~~

7. ~~Manufacturer.~~

~~Every person who, by any process of manufacturing, fermenting, brewing, distilling, refining, rectifying, blending, or by the combination of different materials, prepares or produces intoxicating liquors for sale.~~

8. ~~On Sale.~~

~~The sale of intoxicating liquor by the glass or by the drink for consumption on the premises only.~~

9. ~~Restaurant.~~

~~Any establishment, other than a hotel or bowling center/restaurant, under the control of a single proprietor or manager, having kitchen and other facilities to serve meals and where, in consideration of payment therefore, meals are regularly served at tables to the general public. Such establishment employs an adequate staff for the usual and suitable service to its guests, and the business of serving food and/or intoxicating liquors for a license year is a minimum of 40% of the total gross sales of the business. Vending machines sales shall not be included as food sales revenue. (Ref. 1223)~~

10. ~~Sale (Sell).~~

~~All barbers and all manners or means of furnishing intoxicating liquor or liquors, including those in violation or evasion of law, and also including the usual dictionary meaning.~~

11. ~~Wholesale.~~

~~Any sale for purposes of resale. The term "wholesale" means any person engaged in the business of selling intoxicating liquor to retail dealers.~~

603.02. LICENSE REQUIRED

~~No person, except wholesalers or manufacturers to the extent authorized under State License, shall directly or indirectly deal in, sell, or keep for sale any intoxicating liquor without first having received a license to do so as provided in this Chapter. No person shall sell any intoxicating liquor on Sundays without obtaining a separate license for Sunday sales, as required by Minnesota State Statutes. No person shall sell any intoxicating liquor after 1:00 a.m. without obtaining a special Late Night License Endorsement for an existing liquor license as provided in this Chapter.~~

~~On-Sale intoxicating liquor licenses shall only be granted to bowling centers, brew-pubs, hotels and restaurants, as defined in Section 603.01, where food is prepared and served for consumption on the premises.~~

~~The City Council may, in its sound discretion, authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises at a community festival held within the City pursuant to the provisions of Minnesota Statutes, Section 340A.404, subd. 4b. The City Council may, in its sound discretion, authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises at any convention, banquet, conference, meeting, or social affair conducted on the premises of a sports, convention, or cultural facility owned by the city, pursuant to the provisions of Minnesota Statutes, Section 340A.404, subd. 4(a); however, the licensee is prohibited from dispensing intoxicating liquor to any person attending or participating in a youth amateur athletic event, being held on the premises. A youth athletic event, for the purposes of this section, is defined as an event whose participants are 18 years of age or younger.~~

603.03. APPLICATION

~~Every application for a license to sell intoxicating liquor at on-sale shall be verified and filed with the City Clerk. In addition to the information which may be required by the State Liquor Control Commissioner's form, the application shall contain the following information:~~

~~1. Whether the applicant is a person, corporation, partnership, or other form of organization.~~

~~2. The type of license the applicant seeks.~~

~~3. If the applicant is a natural person, the following information:~~

~~A. True name, place and date of birth, and street resident address.~~

~~B. Whether the applicant has ever used, or been known by, a name other than the applicant's true name and, if so, what was such name, or names, and information concerning dates and places where used.~~

- ~~C. The name of the business if it is to be conducted under a designation, name or style other than the full individual name of the applicant; in such case a copy of the certification, as required by Chapter 333, Minnesota Statutes, certified by the Clerk of District Court, shall be attached to the application.~~
- ~~D. Whether the applicant is married or single. If married, true name, place and date of birth, and street residence address of applicant's present spouse.~~
- ~~E. Whether applicant and present spouse are registered voters and, if so, where.~~
- ~~F. Street addresses at which applicant and present spouse have lived during the preceding ten (10) years.~~
- ~~G. Kind, name and location of every business, or occupation, applicant or present spouse have been engaged in during the preceding ten (10) years.~~
- ~~H. Names and addresses of applicants and spouse's employers and partners, if any, for the preceding ten (10) years.~~
- ~~I. Whether applicant or spouse, or a parent, brother, sister, or child of either of them has ever been convicted of any felony, crime or violation of any ordinance, other than traffic. If so, the applicant shall furnish information as to the time, place and offense for which convictions were had.~~
- ~~J. Whether applicant or spouse, or a parent, brother, sister, or child of either of them has ever been engaged as an employee or in operating a saloon, hotel, restaurant, cafe, tavern or~~

~~other business of a similar nature. If so, applicant shall furnish information as to the date, place and length of time.~~

~~K. Whether applicant has ever been in military service. If so, applicant shall, upon request, exhibit all discharges.~~

~~L. The name, address and business address of each person who is engaged in Minnesota in the business of selling, manufacturing or distributing liquor and who is nearer to kin to the applicant or spouse than second cousin, whether of the whole or half blood, computed by the rules of civil law, or who is a brotherinlaw or sisterinlaw of the applicant or the applicant's spouse.~~

~~4. If the applicant is a partnership, the names and addresses of all partners and all information concerning each partner as is required of a single applicant in Section 603.03.3 above. A managing partner, or partners, shall be designated. The interest of each partner in the business shall be disclosed. A true copy of the partnership agreement shall be submitted with the application and, if the partnership is required to file a certificate as to a trade name under the provisions of Chapter 333, Minnesota Statutes, a copy of such certificate certified by the Clerk of District Court shall be attached to the application.~~

~~5. If the applicant is a corporation or other organization and is applying for an "on-sale" license, the following:~~

~~A. Name, and if incorporated, the state of incorporation.~~

~~B. A true copy of the Corporation's Certificate of Incorporation, Articles of Incorporation or Association Agreement and By-laws, and if a foreign corporation, a Certificate of Authority as described in Chapter 303, Minnesota Statutes.~~

~~C. The name of the manager or proprietor or other agent in charge of the premises to be licensed, giving all the information about said person as is required of a single applicant in Section 603.03.3.~~

~~D. Notwithstanding the definition of interest as given in Section 603.08, the application shall contain a list of all persons who, singly or together with their spouse, or a parent, brother, sister or child or either of them, own or control an interest in said corporation or association in excess of 5% or who are officers of said corporation or association, together with their addresses and all information as is required of a single applicant in Section 603.03.3.~~

~~6. The exact legal description of the premises to be licensed together with a plot plan of the area showing dimensions, locations of buildings, street access, parking facilities and the locations of distances to the nearest church building and school grounds.~~

~~7. The floor number and street number where the sale of intoxicating liquors is to be conducted and the rooms where liquor is to be sold or consumed. An applicant for an "on-sale" license shall submit a floor plan of the dining room, or dining rooms, which shall be open to the public, shall show dimensions and shall indicate the number of persons intended to be served in each of said rooms.~~

~~8. If a permit from the Federal government is required by the laws of the United States, whether or not such permit has been issued, and if so required, in what name issued and the nature of the permit.~~

~~9. The amount of the investment that the applicant has in the business, building, premises, fixtures, furniture, stock in trade, etc., and proof of the source of such money.~~

~~10. The names and addresses of all persons, other than the applicant, who have any financial interest in the business, buildings, premises, fixtures, furniture, stock in trade; the nature of such interest, amount thereof, and terms for payment or other reimbursement. This shall include, but not be limited to, any lessees, lessors, mortgagees, lenders, lienholders, trustees, trustors, and persons who have co-signed notes or otherwise loaned, pledged, or extended security for any indebtedness of the applicant.~~

~~11. The names, residences and business addresses of three (3) persons, residents of the State of Minnesota, of good moral character, not related to the applicant or financially interested in the premises or business, who may be referred to as to the applicant's character or, in the case where information is required of a manager, the manager's character.~~

~~12. Whether or not all real estate, special assessments, and personal property taxes for the premises to be licensed which are due and payable have been paid, and if not paid, the years and amounts which are unpaid.~~

~~13. Whenever the application for an "on-sale" license to sell intoxicating liquor, or for a transfer thereof, is for premises either planned or under construction or undergoing substantial alteration, the application shall be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed. (Ref. 579)~~

~~14. Whenever the applicant for an "on-sale" license to sell intoxicating liquor is made for a proposed or existing establishment, the following items are to be provided with the application:~~

~~A. Site plans of the premises indicating property and building location, parking area, landscaping and screening. Minimum parking requirements are to be a ratio of one (1) ten by twenty (10 x 20) foot parking stall for every three (3) seats of total seating capacity.~~

~~B. Plans and specifications for the proposed establishment of for enlargement, alteration or extension of an existing establishment, showing floor plans with total seating capacity.~~

~~15. Other requirements are:~~

~~A. All plans and specifications must be reviewed and approved by the Building Inspection Department before issuance of building permit. (Ref. 579)~~

~~B. Such other information as the City Council shall reasonably require.~~

~~603.04. EXECUTION OF APPLICATION~~

~~If the application is by a natural person, it shall be signed and sworn to by such person; if by a corporation, by an officer thereof; if by a partnership, by one of the partners; if by an unincorporated association, by the manager or managing officer thereof. If the applicant is a partnership, the application, license and insurance policy shall be made and issued in the name of all partners.~~

~~603.05. FEES~~

~~1. The annual license fee and expiration date shall be as provided in Chapter 11 of this Code.~~

~~2. The annual license fee shall be paid in full before the applicant for a license is accepted. All~~

~~fees shall be paid into the General Fund of the City. Upon rejection of any application for a~~

~~license, or upon withdrawal of application before approval of the issuance by the City Council,~~

~~the license fee shall be refunded to the applicant except where rejection is for a willful misstatement in the license application.~~

~~3. The fee for an "on-sale" license granted after the commencement of the license year shall be pro-rated on a monthly basis.~~

~~4. The fee may be paid in two installments if the license is for a full twelve (12) month period. The first half of the fee shall be due and payable with the original application. For a renewal license fee, the fee will be paid with the renewal application sixty (60) days prior to the expiration of the existing license in accordance with Section 603.07.02. The second half shall be due and payable by September 30 of each year. If the fee is not received in accordance with this section, the nonpayment would be cause for immediate and automatic suspension. (Ref. 993)~~

~~5. When the license is for premises where the building is not ready for occupancy, the time fixed for computation of the license fee for the initial license period shall be ninety (90) days after approval of the license by the City Council or upon the date the building is ready for occupancy, whichever is sooner.~~

~~6. No transfer of a license shall be permitted from place to place or person to person without complying with the requirements of an original application, except as provided by Section 603.05.9 and except where a new application is filed for a transfer of license from place to place and is for premises where the building was not ready for occupancy at the time of the original application and the new application is filed within ninety (90) days after approval of the original license by the City Council but before a Certificate of occupancy for the original location has been issued, no additional license fee is required and the investigating fee shall be as specified in Section 603.05.8. (Ref. 579)~~

~~7. No part of the fee paid for any license shall be refund (1, except in accordance with this Section.~~

~~8. At the time of each original application for a license, the applicant shall pay in full an investigating fee. For a single person, the investigating fee shall be \$200.00. For a corporation, company, partnership or other association, the investigation fee shall be \$400.00. No investigating fee shall be refunded.~~

~~9. At any time that an additional investigation is required because of a change in ownership or control of a corporation or because of an enlargement, alteration, or extension of premises previously licensed, or because of a transfer from place to place which transfer comes within the exception expressed in 603.05.5, the licensee shall pay an additional investigating fee in the amount of \$50.00.~~

~~10. Where a new application is filed as a result of incorporation by an existing licensee and the ownership control and interest in the license are unchanged, no additional license fee will be required.~~

~~11. Where approval has been granted as provided by this Chapter, for the transfer of a license from person to person and where the successor licensee has paid the fee for the balance of the license year, then the transferring license holder shall have refunded to it on a pro-rata basis, that portion of the license fee which represents the unused portion of the license year. However, this provision does not prevent the City from charging to the successor license holder an additional investigation fee as provided in Section 603.05.07.~~

~~603.06. SUNDAY LIQUOR SALES~~

~~The annual license fee for "Sunday Liquor Sales" shall be provided in Chapter 11. The annual fee for a license endorsement for late hour liquor sales after 1:00 a.m., but before 2:00 a.m. shall be provided in Chapter 11. This fee is in addition to the fee charged for an "On-Sale" license. All provisions of this Chapter pertaining to the "On-Sale" license shall apply to the "Sunday Liquor Sales" license, and the Late Night License Endorsement insofar as practicable.~~

~~603.07. GRANTING OF LICENSES~~

~~1. Initial Licenses~~

- ~~A. Upon receipt of a complete application, the City Clerk shall forward the application to the Public Safety Director, or Director's designee, for verification and investigation of the facts set forth in the application. The Director or their designee shall complete such investigation and make a written recommendation and report to the City Clerk. The report shall include a list of all violations of any federal, state or municipal law.~~
- ~~B. After receipt of the written report, the City Clerk shall forward the application to the Fire Department and Building Inspections Department for their review and comment.~~
- ~~C. Within twenty (20) days after the receipt of the Director's written report, the City Clerk shall cause to be published a Notice of Public Hearing regarding the license application in the official newspaper at least ten (10) days in advance of the public hearing. The Notice shall include the date, time and place of the public hearing, the name of the applicant, the~~

~~address of the premises to be licensed, and the nature of the business. The City Clerk shall prepare a written report to the City Council for the public hearing which shall include the Director's report and any comments the Fire and Building Inspections Departments may have. An application for a temporary on-sale intoxicating liquor license shall be exempt from the public hearing requirement.~~

~~D. At the time of the public hearing, opportunity shall be given to any person to be heard for or against the granting of the license. If additional information is required, the City Council may conduct an additional hearing, as it may deem advisable, within a reasonable amount of time. The City Council may thereafter grant or deny the application in its discretion.~~

~~E. The City Clerk shall, within ten (10) days after the issuance of any license under this Chapter, submit the required documentation to the Commissioner of Public Safety. The City Clerk shall also submit to the Commissioner of Public Safety any change of address, cancellation or revocation of any license by the City Council during the license period.~~

~~F. Each license is issued to the applicant at the premises described in the application. No license may be transferred to another person or to another location.~~

~~G. Where a license is granted to a premises where the building is under construction or otherwise not ready for occupancy, the City Clerk shall not issue the license until a Certificate of Occupancy has been issued. The Building Inspection Department shall notify the City Clerk that the Certificate of Occupancy has been issued and the building is ready for occupancy.~~

~~2. Renewal Licenses~~

~~A. Applications for the renewal of an existing license shall be made at least 60 days prior to the date of the expiration of the license and shall be made in such abbreviated form as the City Council may approve. If, in the judgment of the City Council, good and sufficient cause is shown by an applicant for their failure to file for a renewal within the time provided, the City Council may, if the other provisions of this Chapter are complied with, grant the application. A review shall be made of all facts set out in the application. The City Council shall grant or refuse the application at its discretion.~~

~~B. At the earliest practicable time after application is made for a renewal of an "onsale" license and in any event prior to the time that the application is approved by the City Council, the applicant shall file with the City Clerk a statement made by a certified public~~

~~accountant that shows the total gross sales and the total food sales of the restaurant for the twelve (12) month period immediately preceding the date for filing renewal applications. A foreign corporation shall file a current Certificate of Authority.~~

~~C. Each license holder shall be given written notice, by mail, at least ten (10) days but not more than thirty (30) days before the City Council acts upon their license renewal. This notice shall be in a form as designated by the City Clerk and shall specify the date and time when the renewal application will be considered by the City Council. The license holder shall be permitted an opportunity to address the City Council on its license renewal application. (Ref. 807)~~

~~603.08. PERSONS INELIGIBLE~~

~~No license shall be granted or held by any person:~~

- ~~1. Under twenty-one (21) years of age. (Ref. 910)~~
- ~~2. Who is not of good moral character and repute. If the applicant has been an owner, manager or employee of a saloon, hotel, restaurant, cafe, tavern or other business of a similar nature, the City Council may consider the applicant's past performance record in determining whether a license shall be granted or renewed. (Ref. 579)~~
- ~~3. Who, if an individual, is an alien.~~
- ~~4. Who has been convicted, within 15 years prior to the application of such license, of any willful violation of any law of the United States, the State of Minnesota, or any other state or territory, or of any local ordinance regarding the manufacture, sale, distribution or possession for sale or distribution of intoxicating liquor, or whose liquor license has been revoked for any willful violation of any law or ordinance.~~
- ~~5. Who is a manufacturer or wholesaler of intoxicating liquor with the exception of a brew pub. No manufacturer or wholesaler shall either directly or indirectly own or control or have any financial interest in any retail business selling intoxicating liquor. (Ref 1335)~~
- ~~6. Who is directly or indirectly interested in any other establishment in the City of Fridley to which an "onsale" license has been issued under this Chapter.~~

- a. ~~7. Who, if a corporation, does not have a manager who is eligible pursuant to the provisions of this Section.~~

~~8. Who is the spouse of a person ineligible for a license pursuant to the provisions of Subdivisions 4, 5, or 6 of this Section or who, in the judgment of the City Council, is not the real party in interest or beneficial owner of the business operated, or to be operated, under the license.~~

~~The term "interest" as used in this Section includes any pecuniary interest in the ownership, operation, management or profits of a retail liquor establishment, but does not include bona fide loans; bona fide fixed sum rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course or business of selling or leasing merchandise, fixtures or supplies to such establishment; or an interest of ten per cent (10%) or less in any corporation holding a license. A person who receives monies from time to time directly or indirectly from a licensee, in the absence of a bona fide consideration therefor and excluding bona fide gifts or donations, shall be deemed to have a pecuniary interest in such retail license. In determining "bona fide" the reasonable value of the goods or things received as consideration for any payment by the licensee and all other facts reasonably tending to prove or disprove the existence of any purposeful scheme or arrangement to evade the prohibitions of this Section shall be considered.~~

~~603.09. PLACES INELIGIBLE~~

- ~~1. No license shall be granted or renewed for operation on any premises on which financial claims of the State are due, delinquent or unpaid. (Ref. 993)~~
- ~~2. Except for those organization which are applying for a temporary license to sell on-sale intoxicating liquor pursuant to Section 603.24, no license shall be granted for premises located within 400 feet of a public school or of any church, the distance to be measured in a straight line from the nearest point of building to building, excepting the existing on-sale municipal establishments at the time of the enactment of this Chapter. The erection of a public school or church within the prohibited area after an original application has been granted shall not, in and of itself, render such premises ineligible for renewal of the license.~~
- ~~3. No license shall be issued for the premises owned by a person to whom a license may not be granted under this Chapter.~~
- ~~4. No "on-sale" license shall be granted for a brew pub, restaurant or hotel that does not have a minimum total building area of 5,000 square feet, with a minimum kitchen and dining area of 2,000 square feet and with a minimum seating capacity that is open to the general public of 130. (Ref. 579, 1335)~~

~~603.10. CONDITIONS OF LICENSE~~

~~Every license shall be granted subject to the condition of all Sections of this Chapter and of any other applicable provision of this Code or State law, including the following:~~

- ~~1. The license shall be posted in a conspicuous place in the licensed establishment at all times.~~

~~2. Licensees shall be responsible for the conduct of their place of business and the conditions of sobriety and order in the place of business and on the premises.~~

~~3. No "on-sale" licensee shall sell intoxicating liquor "off-sale" with the exception of a brew pub. (Ref 1335)~~

~~4. No license shall be effective beyond the space named in the license for which it was granted.~~

~~5. No intoxicating liquor shall be sold or furnished or delivered to any intoxicated person, to any habitual drunkard, to a person under twentyone (21) years of age, or to any person to whom sale is prohibited by State law. (Ref. 910)~~

~~6. No person under eighteen (18) years of age shall be employed in a room where sales are made, except that persons under eighteen (18) years of age may be employed as musicians, busboys and dishwashers. (Ref. 579)~~

~~7. No licensee shall keep, possess, operate or permit the keeping, possession, or operation of any dice, video game of chance, or gambling device including slot machines, roulette wheels, punchboards, and pin ball machines which return coins or slugs, chips, or tokens or any kind which are redeemable in merchandise, cash or other item of value on the licensed premises. Pull tabs and other expressly authorized forms of legal gambling may be conducted on licensed premises when such activity is licensed by the State pursuant to Minnesota Statute, Chapter 349, and conducted pursuant to the regulations contained in this City Code.~~

~~8. Licensees shall not knowingly permit the licensed premises or any room in those premises or any adjoining building directly or indirectly under their control to be used as a resort for prostitutes.~~

~~9. No equipment or fixture in any licensed place shall be owned in whole or in part by any manufacturer or distiller of intoxicating liquor, except such as shall be expressly permitted by State law.~~

~~10. Any police officer, or any properly designated officer or employee of the City shall have the right to enter, inspect and search the premises of the licensee during the business hours without a warrant.~~

~~11. No licensee shall sell, offer for sale, or keep for sale, intoxicating liquors in any original package which has been refilled or partially refilled. No licensee shall directly or through any other person delete or in any manner tamper with the contents of any original package so as to change its composition or alcoholic content while in the original package. Possession on the premises by the licensee of liquor in the original package differing in composition or alcoholic content in the liquor when received from the manufacturer or wholesaler from whom it was purchased, shall be prima facie evidence that the contents of the original package have been diluted, changed or tampered with.~~

~~12. No "onsale" liquor establishment shall display liquor to the public during hours when the sale of liquor is prohibited by the Chapter.~~

~~13. No licensee shall apply for or possess a Federal Wholesale Liquor Dealers special tax stamp or a Federal Gambling stamp, with the exception of a brew pub. (Ref 1335)~~

~~14. No licensee shall keep ethyl alcohol or neutral spirits on any licensed premises or permit their use on the premises as a beverage or mixed with a beverage.~~

~~15. The business records of the licensee, including Federal and State tax returns, shall be available for inspection by the City Manager, or other duly authorized representative of the City or the City Council, at all reasonable times.~~

~~16. Changes in the corporate or association officers, corporate charter, articles of incorporation, by laws, or partnership agreement, as the case may be, shall be submitted to the City Clerk within thirty (30) days after such changes are made. Notwithstanding the definition of interest as given in Section 603.08, in the case of a corporation, the licensee shall notify the City Clerk when a person not listed in the application acquires an interest which, together with that of spouse, parent, brother, sister, or child, exceeds 5%, and shall give all information about said person as is required of a person pursuant to the provisions of Section 603.03.3.~~

~~17. At the time licensees submit their applications for renewal of a license, they shall list all direct or indirect contributions made to or on behalf of a candidate for Fridley City Councilperson or Mayor, including, but not limited to, Candidates, Committees, Volunteer Committees, etc., for all City elections within the last 365 days.~~

~~18. — A brew pub and restaurant shall be conducted in such a manner that, of that part of the total business attributable to or derived from the serving of foods and intoxicating liquors, a minimum of 40% of the business for a license year is from the serving of food prepared on site and not from vending machines. A hotel shall be conducted in such a manner that, of that part of the total business attributable to or derived from the serving of foods and intoxicating liquors a minimum of 40% of the business for a license year is from the serving of food prepared on site and not from vending machines. A bowling center/restaurant shall be conducted in such a manner that, of that part of the total business attributable to or derived from the sale of food and intoxicating liquors, a minimum of 30% of the gross sales of the food and liquor is from the serving of food prepared on site and not from vending machines.~~

~~19. At the time of application for renewal of application of an "on-sale" license, the applicant shall submit proof to the City that the minimum percentage provided above in Section 603.10.18 of the gross sales, derived from the sale of food and intoxicating liquors of the establishment, for which the "on-sale" license is to be used, is in the serving of food.~~

~~A. — Late Night License Endorsement~~

~~In addition to any other reporting requirement that may be imposed by the municipal code, any licensee holding a Late Night License Endorsement shall also provide proof to the city that the minimum percentage provided in Section 603.10.18 of the gross sales, derived from the sale of food and intoxicating liquors of the establishment, for which the "on-sale" license is to be used, is in the serving of food. "Proof" for purposes of this section, shall consist of not less than a statement of accuracy, attested to by a certified public accountant, accompanying a verifiable, semiannual report of sales receipts based upon acceptable and recognized accounting and bookkeeping standards. Separate statements are required for a license renewal and the renewal of any Late Night License Endorsement to that license.~~

~~20. No licensee shall hold events which are exclusively for persons under the age of 21 except social functions that are held in a portion of the establishment where liquor is not sold. Social functions that are held in a portion of the brew pub or restaurant where liquor is not sold shall be limited to persons age 18 and older.~~

~~21. No licensee shall permit any person under the age of 18 to enter a licensed establishment except for the purpose of consuming meals or performing work for the establishment, or in the case of bowling centers, for the purpose of bowling and related activities, unless accompanied by a parent or guardian.~~

~~22. No licensee shall permit in any licensed establishment, or any adjoining property owned or leased by the licensee, any boxing, wrestling, or any other form of entertainment whose primary purpose is physical contact by striking or touching an opponent with hands, head, feet, or body. Team sports in which physical contact is incidental to the primary purpose of the game such as basketball, volleyball, soccer, football, baseball, hockey, and softball are not included among activities prohibited by this section.~~

~~23. No licensee shall use or permit to be used any playing cards on the licensed premise except that playing cards may be used during a tournament of a social skill card game as defined by Minnesota Statute 609.761, subdivision 3, and conducted pursuant to regulations contained therein and this city code.~~

~~A. Social Skill Card Game Tournament~~

~~(1) A social skill card game tournament means one separate and distinct organized contest involving contestants who compete in a series of elimination card games of social skill as defined by Minnesota Statute 609.761, subd. 3.~~

~~(2) No licensee shall permit or conduct more than one social skill card game tournament at any one time on the licensed premise or any adjoining property owned or leased by the licensee and no social skill card game tournament shall be permitted or conducted except during the normal hours of operation of the licensed premise.~~

~~(3) No licensee shall charge or permit to be charged, to either participants or spectators of a social skill card game tournament, a price for consumer goods which is higher than the price that is normally charged.~~

- ~~(4) No licensee shall permit wagers in a social skill card game tournament to be made with currency or any other thing of value except tournament chips or tokens. Tournament chips or tokens shall represent tournament points only and shall have no cash value or be redeemable for cash or for any other thing of value, except the point total represented by the players' accumulation of tournament chips or tokens shall be used to determine winners and/or final place in a tournament.~~
- ~~(5) No licensee shall permit players or spectators to make any side bets or back bets, or engage in any other form of gambling, at a social skill card game tournament.~~
- ~~(6) No licensee shall permit the aggregate amount or fair market value of prizes offered or given in any single social skill card game tournament to exceed \$200 and no licensee shall award or permit to be awarded prizes exceeding a \$200 value to any one social skill card game tournament participant on any one day.~~
- ~~(7) No licensee shall award or permit to be awarded any prize consisting of intoxicating liquor, beer, or wine, or certificate for future consideration of same, in a social skill card game tournament.~~
- ~~(8) No person, partnership, corporation, or other organization, other than the licensee, shall conduct or be permitted to conduct a social skill card game tournament on a licensed premise without first having obtained a tournament service provider license pursuant to this Chapter.~~

~~B. Social Skill Card Game Tournament Service Provider~~

- ~~(1) A person, partnership, corporation, or other organization, other than the licensee, who conducts, organizes, supplies or promotes a social skill card game tournament on a premise licensed under this Chapter, is a social skill card game tournament service provider.~~
- ~~(2) No person, partnership, corporation, or other organization shall act as a social skill card game tournament service provider without first having obtained a license to do so from the City Council.~~
- ~~(3) All applications for tournament service provider licenses shall be made to the City setting forth all information necessary to show whether or not the person, partnership, corporation, or other organization qualifies for such a license under this Chapter, together with such additional information as may be required by the City Council. A completed application form must include the full true names, dates of birth, social security numbers and addresses of all persons financially interested in the business and/or all persons who are either on the Board of Directors of or hold offices in the entity or organization. The term "persons financially interested in the business" shall include all persons who share in the profits of the business.~~
- ~~(4) All applications for a license shall be referred to the Public Safety Director for verification and investigation of the facts set forth in the application. The Public Safety~~

~~Director shall cause to be made such investigation of the information requested as shall be necessary and shall make a written recommendation and report to the City Council which shall include a list of all violations of Federal or State law or Municipal ordinance. The City Council may order and conduct such additional investigation as it shall deem necessary. In making a determination of suitability for a tournament service provider license, the City Council shall consider the background of each person, partner, corporate officer or individual applicant.~~

~~(5) No license shall be granted or held by any person who has been convicted, within 15 years prior to the application of such license, of any felony violation of any law of the United States, the State of Minnesota, or any other state or territory, or of any local ordinance involving or related to theft or gambling.~~

~~(6) The annual license fee and expiration date shall be as provided in Chapter 11 of this Code.~~

~~603.11. HOURS OF OPERATION~~

~~1. No sale of intoxicating liquor for consumption on the licensed premises may be made between 1:00 a.m. and 8:00 a.m. on the days of Monday through Sunday. No sale may between the hours of 8:00 p.m. December 24th and 8:00 a.m. on December 26th without a Holiday Endorsement.~~

~~A. Holiday Endorsement. If an establishment holds a 3.2% malt liquor and a wine license, they may apply for one Holiday Endorsement to cover both licenses.~~

~~B. The Holiday Endorsement enables the establishment to remain open on Monday through Saturday between the hours 8:00 a.m. on December 24th and 1:00 a.m. on December 25th and 8:00 a.m. on December 25th and 1:00 on December 26th. Should December 24th, 25th or 26th fall on a Sunday, the establishment may not sell, provide or allow the consumption of liquor until 10:00 a.m. or until such other time as defined by Minnesota Statutes.~~

~~C. Those establishments which also hold a Late Night Endorsement as defined in Section 603.11.2 of the Fridley City Code may remain open until 2:00 a.m. on December 25th and 26th.~~

~~2. It shall be unlawful for any persons or customers, other than the licensees or their employees to remain on the premises after 1:30 a.m. There shall be no consumption by any persons, including the licensees and their employees, after 1:30 a.m.~~

~~2. Notwithstanding the foregoing, a sale of intoxicating liquor for consumption may occur on a licensed premises between the hours of 1:00 a.m. and 2:00 a.m. if the licensee has been granted by the city a Late Night License Endorsement for that license. No sale of intoxicating liquor for consumption on any licensed premises for which a late Night License Endorsement has been granted by the city shall occur between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday. It shall be unlawful for any persons or customers, other than the licensees or their employees, to remain on a licensed premises for which a Late Night License Endorsement has~~

~~been granted by the city, nor shall there be any consumption by any persons, including the licensees and their employees on such premises, more than one-half hour after closing of operations for that day and, in no event, later than 2:30 a.m.~~

~~603.12. HOTELS~~

~~No sale of intoxicating liquor shall be made to, or in, guest rooms of hotels unless the following conditions exist:~~

- ~~1. The rules of such hotel provide for the service of meals in guest rooms;~~
- ~~2. The sale of such intoxicating liquor is made in the manner required for "on-sale";~~
- ~~3. Such sale accompanies and is incident of the regular service of meals to guests therein; and,~~
- ~~4. The rules of such hotel and the description, location, and number of such guest rooms are fully set out in the application for a license.~~

~~603.13. RESTRICTIONS INVOLVING MINORS~~

- ~~1. No licensees, their agents or employees shall serve or dispense upon the licensed premises any intoxicating liquor or non-intoxicating malt liquors to any person under twenty-one (21) years of age; nor shall such licensees, or their agents or employees, permit any person under twenty-one (21) years of age to be furnished or consume any such liquors on the licensed premises. (Ref. 910)~~
- ~~2. Persons under twenty-one (21) years of age shall not misrepresent their age for the purpose of obtaining intoxicating liquor or non-intoxicating malt liquor; nor shall they enter any premises licensed for the retail sale of intoxicating liquor, or non-intoxicating malt liquor, for the purpose of purchasing or having served or delivered to them for consuming any such intoxicating liquor or beer; nor shall they purchase, attempt to purchase, consume, or have another person purchase for them any intoxicating liquor or beer.~~
- ~~3. No person shall induce a person under twenty-one (21) years of age to purchase or procure or obtain intoxicating liquor or 3.2% malt liquor. This Section shall not prohibit the use of a person under the age of twenty-one (21) years to attempt to purchase or procure any intoxicating liquor, 3.2% malt liquor, beer or wine from a licensee in a test of compliance under the direct supervision of a law enforcement officer or an employee of the licensing department, or in conjunction with a compliance check effort that has been pre-approved by the Fridley Police Department.~~
- ~~4. Any person who may appear to licensees, their employees or agents to be a minor shall, upon demand of the licensees, their employees or agents, produce and permit to be examined a valid driver's license or a current nonqualification certificate issued pursuant to Minnesota Statutes, Section 340.039.~~
- ~~5. In every prosecution, for a violation of the provisions of this Chapter relating to the sale or furnishing of intoxicating liquor or non-intoxicating malt beverage to a person under twenty-one~~

~~(21) years of age, and in every proceeding before the City Council with respect thereto, the fact that the person under twenty-one (21) years of age involved has obtained and presented to the licensees, their employees or agents, a verified identification card from which it appears that said person was twenty-one (21) years of age and was regularly issued such identification card, shall be prima facie evidence that the licensees, their agents or employees are not guilty of a violation of such a provision and shall be conclusive evidence that a violation, if one has occurred, was not willful or intentional.~~

~~6. Persons who may appear to the licensees, their employees or agents to be under twentyone (21) years of age and who do not have in their possession any identification certificate as above described, may sign and execute a statement in writing as follows:~~

~~READ CAREFULLY BEFORE SIGNING~~

~~It shall be unlawful for persons to misrepresent or misstate their age, or the age of any other person for the purpose of inducing any licensee, their employee or agent, or any licensee, or any employee of any municipal liquor store, to sell, serve or deliver any alcoholic or non intoxicating malt liquor beverage to a person under twentyone (21) years of age. It is also unlawful for persons under twentyone (21) years of age to have in their possession any intoxicating liquor with intent to consume the same at a place other than the household of their parent or guardian.~~

~~Any person who shall violate any of the foregoing provisions of law shall be punished accordingly.~~

~~VIOLATION OF THE ABOVE MINNESOTA LAW IS A MISDEMEANOR PUNISHABLE BY A FINE OF \$700.00 OR A 90 DAYS WORKHOUSE SENTENCE, OR BOTH.~~

~~My age is _____. Date of Birth _____ Place of Birth _____~~

~~My address is _____~~

~~Dated: _____ Type of Identification, if any _____~~

~~Witness _____~~

~~Signed _____~~

~~The above form shall be furnished at the expense of all licensees desiring to use the same and when properly executed may be considered as evidences in any prosecution and by the City Council in any proceeding before the Council or a committee thereof relating to the business or operations of the licensee. Such forms after execution shall be kept on file by the licensee for a period of one (1) year. (Ref. 910)~~

~~603.14. OTHER RESTRICTIONS ON PURCHASE OR CONSUMPTION~~

~~1. No person shall give, sell, procure or purchase intoxicating liquors to, or for, any person to whom the sale of intoxicating liquor is forbidden by law.~~

~~2. No person shall mix or prepare intoxicating liquor for consumption, or consume, in any public place not licensed in accordance with the ordinances and laws of the City of Fridley and the State of Minnesota.~~

~~3. No intoxicating liquor shall be sold or consumed on a public highway or in an automobile.~~

~~603.15. BONDS~~

~~1. Each application for an "onsale", "off-sale" liquor license or "onsale" wine license shall be accompanied by a surety bond in the amount of \$3,000.00 running to the City of Fridley, or in lieu thereof, cash or United State Government bonds of equivalent market value, as provided in Minnesota Statutes, Section 340.12. The bond shall be in effect for the period covered by the license.~~

~~2. The bond's conditions are as follows:~~

~~A. The licensee will obey the laws relating to the licensed business.~~

~~B. The licensee will pay to the City, when due, all taxes, licenses, penalties, and other charges.~~

~~C. In the event of any violation of any liquor laws, the bond shall be forfeited to the City, as obligee.~~

~~3. Bonds for "onsale" licenses shall be filed with the City Clerk and approved by the City Council. Bonds for "offsale" licenses and "onsale" wine licenses shall be filed with the City Clerk and approved by the City Council and the Commissioner of Public Safety.~~

~~4. All bonds shall be for the benefit of the City, as obliges, and all persons suffering damages by reason of the violation of the conditions of 603.15.2. Upon forfeiture of the bond for violation of the law, the District Court of Anoka County may forfeit the bond's penal sum or any part thereof to the City.~~

~~5. Operation of a licensed business without having on file at all times with the City of Fridley effective security as required above shall be grounds for immediate revocation of the license. (Ref. 807)~~

~~603.16. LIABILITY INSURANCE~~

~~1. Every person licensed to sell at retail intoxicating liquor or nonintoxicating malt liquor at onsale or offsale or onsale wine shall, after August 1, 1983, demonstrate proof of financial responsibility with regard to liability imposed by Minnesota Statutes, Section 340.95, to the City Clerk as a condition of the issuance or renewal of his or her license. Proof of financial responsibility may be given by filing:~~

~~A. A certificate that there is in effect an insurance policy or pool providing the following minimum coverages:~~

~~(1) \$50,000 because of bodily injury to any one person in any one occurrence, and, subject to the limit for one person, in the amount of \$100,000 because of bodily injury to two or more persons in any one occurrence, and in the amount of \$10,000 because of injury to or destruction of property of others in any one occurrence.~~

~~(2) — \$50,000 for loss of means of support of any one person in any one occurrence, and, subject to the limit for one person, \$100,000 for loss of means of support of two or more persons in one occurrence; or~~

~~B. A bond of a surety company with minimum coverages as provided in clause (A) above, or~~

~~C. A certificate of the State Treasurer that the licensee has deposited with the State Treasurer \$100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of \$100,000.~~

~~2. A liability insurance policy required by Section 603.16.1 shall provide that it may not be canceled for any cause, either by the insured or the insurance company without first giving ten (10) days notice to the City of Fridley in writing of the intention to cancel it, addressed to the City Clerk of the City of Fridley.~~

~~3. A liability insurance policy required by Section 603.16.1 shall provide that the insurance company agrees to contact the City of Fridley in writing and addressed to the City Clerk of the City of Fridley, within ten (10) days of any claim made against the policy.~~

~~4. A liability insurance policy required by Section 603.16.1 that contains annual aggregate limits of liability shall require the insured to buy additional coverage after any claim is made that reduces the coverage under the policy below the requirements of Section 603.16.1.~~

~~5. The operation of a retail intoxicating or non-intoxicating malt liquor business at on-sale or off-sale or on-sale wine, without having on file at all times with the City of Fridley the liability insurance policy or other evidence of financial responsibility required under Section 603.16.1 shall be grounds for immediate revocation of the license. Notice of cancellation of a current liquor liability policy serves as notice to the licensee of the impending revocation and unless evidence of compliance with the financial responsibility requirements of Section 603.16.1 is presented to the City Clerk before the termination is effective, the license will be revoked instantly upon the lapse.~~

~~6. The City Clerk shall submit the provided proof of financial responsibility to the Commissioner of Public Safety.~~

~~603.17. SUSPENSION OR REVOCATION~~

~~The City Council may suspend or revoke any license for the sale of intoxicating liquor for the violation of any provision or condition of this Chapter or of any State law or Federal law regulating the sale of intoxicating liquor, and shall revoke such license for any willful violation which, under the laws of the State is grounds for mandatory revocation, and shall revoke for failure to keep the insurance required by this Chapter in full force and effect.~~

~~603.18. NOTICE~~

~~Except in the case of suspension pending a hearing or immediate revocation for failure to have on file at all times with the City the liability insurance policy or other evidence of financial responsibility required under Sections 603.15 and 603.16, a revocation or suspension by the Council shall be preceded by written notice to the licensee and a public hearing. The notice shall give at least ten (10) days notice of the time and place of the hearing and shall state the nature of the charges against the licensee. 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 licensee personally or by leaving the same at the licensed premises with the person in charge thereof. No suspension shall exceed 60 days.~~

~~603.19. ALTERATION OF PREMISES~~

~~Proposed enlargement, alteration or extension of premises previously licensed shall be reported to the City Clerk at or before the time application is made for a Building Permit for any such change.~~

~~603.20. MANAGERIAL LICENSE~~

~~1. No person shall work as a manager of a premises licensed under this Chapter, and no licensee shall permit any such person to be so employed, unless such person, within seven (7) days after first being so employed, shall apply for a license to engage in such business. No persons may be so employed for any length of time if their license is denied or revoked.~~

~~2. An application for such license shall be filed with the City Clerk upon forms provided by the City and such application shall be verified under oath and shall contain the following information:~~

~~A. The names and addresses of two (2) residents of the State of Minnesota, who have known~~

~~the applicant for a period of two (2) years and who will vouch for the sobriety, honesty, and~~

~~general good character of the applicant.~~

~~B. A concise history of the applicant's previous employment.~~

~~C. The record, if any, of arrests and of convictions for crimes and misdemeanors other than traffic offenses.~~

~~3. The annual license fee and expiration date shall be provided in Chapter 11 of this Code. Application for renewal of an existing license shall be made at least 15 days prior to the date of the expiration of the license on such form as the City Council may approve.~~

~~4. The application shall be referred to the Police Department which shall investigate the facts set forth in the application and make a written report thereon at the earliest practicable time. If the Police Department recommends that such person be licensed, the City Clerk shall issue the license forthwith. If the Police Department makes a recommendation that the license not be issued, the applicant, upon request, shall be entitled to a hearing before the City Council and may offer evidence to prove the license should be issued.~~

~~5. No persons shall be issued a license if it appears that they had committed an act which is a willful violation of Minnesota Statutes Sections 340.07 through 340.40.~~

~~6. Any license issued hereunder may be revoked for any violation of this Chapter or of Minnesota Statutes Sections 340.07 through 340.40 or for conviction of any crime or misdemeanor involving moral turpitude.~~

~~603.21. AUTHORIZATION TO ISSUE "ON-SALE" WINE LICENSES~~

~~The City is hereby authorized to issue "on-sale" wine licenses pursuant to authority of Minnesota Statutes. Licenses may be issued to "restaurants" as defined above.~~

~~603.22. WINE LICENSE~~

~~1. No person operating a restaurant shall sell or permit to be sold on said premises any wine without having been issued either an "On-Sale Wine License" or an "On-Sale Intoxicating Liquor License". An "On-Sale Wine License" permits only the "on-sale" of wine not exceeding 14 percent (14%) alcohol by volume in conjunction with the sale of food.~~

~~2. The annual license fee and expiration date for "On-Sale Wine Licenses" shall be provided in Chapter 11 of this Code.~~

~~3. No wine license shall be issued to any restaurant having seating capacity of less than fifty (50) persons.~~

~~4. The provisions of Sections 603.01 to 603.21 above shall apply to "OnSale Wine Licenses" insofar as practicable, as they relate to:~~

~~Definitions; Applications; Granting of Licenses; Persons and Places Ineligible;
Conditions of License; Hours of Operation; Restrictions Involving Minors; Other
Restrictions on Purchase or Consumption; Bonds; Liability Insurance; Notice and
Hearing on Suspension or Revocation of License; Alteration of Premises; and
Penalties.~~

~~603.23. SALE OF INTOXICATING MALT LIQUOR (Ref Ord 1248)~~

~~A licensee who has been issued an on-sale 3.2% malt liquor license and an on-sale wine license may sell intoxicating malt liquor whose gross receipts are at least 60 percent attributable to the sale of food, without an additional license, as allowed by Minnesota Statutes 340A.~~

~~At the time for renewal of the application for an on-sale 3.2% malt liquor and wine license, the applicant shall submit proof to the City in a statement made by a certified public accountant. The statement shall provide proof of the total gross sales, the total gross malt liquor and wine sales, and the total gross food sales of the restaurant for the twelve (12) month period immediately preceding the date for filing renewal applications. The statement shall also provide proof that a minimum of 60% of the total gross sales shall be attributable to the sale of food prepared on-site and not from vending machines.~~

~~603.24. TEMPORARY LICENSES~~

~~1. The City is hereby authorized to issue a temporary on-sale intoxicating liquor "license" to any club, charitable, religious, or non-profit organization which has its principal location within the City of Fridley and which has been in existence for a period of not less than three (3) years at the time of making application for this license.; or a political committee registered under Minnesota Statutes Section 10A.14; or a state university. This temporary on-sale intoxicating liquor license shall only be issued for a social event occurring within the City limits sponsored by the licensee.~~

~~2. The number of licenses issued by the City Council shall not exceed the number allowed in Minnesota Statutes Section 340A.404, subd. 10.~~

~~3. The license may authorize the on-sale of intoxicating liquor on premises other than premises which the licensee owns or permanently occupies. Further, the licensee may contract for intoxicating liquor catering services with the holder of a full year, on-sale intoxicating liquor license issued by any municipality.~~

~~4. Except in those instances where the license holder contracts for the catering of liquor services as provided in paragraph 3 above, the licensee shall meet the requirements of Section 603.16.~~

~~5. An application for this temporary license must be completed and forwarded by the City Clerk to the Minnesota Department of Public Safety for their approval. A copy of the application shall be retained by the City. This application must be made at least thirty (30) days prior to its requested date. This license shall not be effective unless approved by both the Commissioner of Public Safety and the City Council.~~

~~6. The license fee shall be provided in Chapter 11 of this Code.~~

~~7. If the license is used on public property owned by the City, upon the recommendation of the Public Safety Director, the City Council may require the holder of the license, as a term and condition of the license, to hire uniformed police officer(s) to remain on the premises during the use of the license.~~

~~603.25. GAMBLING ENDORSEMENT~~

~~1. Statement of Policy~~

~~Onsale licensees under the provisions of this Chapter or Chapter 606 may request permission of the City Council to permit State licensed organizations to conduct lawful gambling on the licensed premises. Application for a gambling endorsement shall be made to the City Clerk with payment of the specified fee in Chapter 11 of the City Code.~~

~~2. Regulations~~

~~Gambling endorsements on onsale licenses issued either under this Chapter or Chapter 606 shall be subject to the following regulations which shall be deemed as a part of the license, and failure of compliance may constitute grounds for adverse action as prescribed in the City Code.~~

~~A. Use of the licensed premises shall be by means of a State approved lease agreement~~

~~between the licensee and the licensed organization. A copy of the lease shall be filed with the City Clerk, and also a copy must be kept on the premises and available for public inspection upon request. Leases shall be governed by the following:~~

- ~~(1) Any form of lawful gambling permitted by the state of Minnesota as defined by Chapter 349 and otherwise approved or licensed by the city may be conducted on the licensed premises.~~
- ~~(2) Pulltabs shall only be conducted from a booth used solely by the licensed lawful gambling organization. Lawful gambling shall neither be conducted by employees of the licensee or conducted from the bar service area. (Ref 1200)~~

~~(3) The construction and maintenance of the booth used by the licensed lawful gambling organization shall be the sole responsibility of the licensed lawful gambling organization.~~

~~B. Only one licensed lawful gambling organization shall be permitted to conduct lawful gambling on the licensed premises.~~

~~C. The licensee may not be reimbursed by the licensed lawful gambling organization for any license or permit fees, and the only compensation which the licensee may obtain from the licensed lawful gambling organization is the rent fixed in the lease agreement.~~

~~D. The licensee shall be responsible for the licensed lawful gambling organization's conduct. The City Council may suspend the licensee's permission to allow lawful gambling on the premises for a period up to 60 days for any violation of State or local gambling laws or regulations that occur on the premises by anyone, including the licensee or the licensed lawful gambling organization. A second violation within a 12 month suspension, and any additional violations within a 12 month period shall result in the revocation of the lawful gambling permission, and may also be considered by the Council as grounds for suspension or revocation of the onsale liquor license.~~

~~E. Establishments licensed by the City for the sale of alcoholic beverages must seek qualifying organizations as defined in Section 30.02 of this Code whenever they contract with organizations to conduct lawful gambling on their premises. If the owner of the establishment is unsuccessful at locating a qualifying organization, they shall attest to that fact on their liquor license application. The City Council may waive this requirement for a non-qualifying organization.~~

~~603.26 PATIO ENDORSEMENT~~

~~1. Statement of Policy~~

~~The sale of alcoholic beverages pursuant to any of the licenses issued in accordance with Chapters 602, 603 or 606 of the Code, with the exception of a temporary license, will be limited to the sale and consumption inside of a structure on the licensed premises, unless the licensee applies for and receives approval from the City Council for a Patio Endorsement to allow the sale and consumption outside of a structure on the licensed premises.~~

~~2. Regulations~~

~~A. An outdoor patio shall not be enclosed in such a manner that the air becomes indoor air as defined by state law.~~

- ~~B. The patio shall be attached to the licensed premises and share at least one common wall or side with the licensed premise building/structure. The contiguous area will not be part of a public street, sidewalk or other public grounds.~~
- ~~C. If part of the parking lot is used to install an outdoor patio, the patio must share one common wall with the licensed premise. In addition, the licensed premise must continue to meet the parking requirements set by city code and the outdoor patio shall not affect the circulation of traffic.~~
- ~~D. Access to the patio shall be directly from the licensed premise with no direct access other than an emergency exit (exit only) equipped with an alarm, from any area other than by passing through the normal interior public areas of the licensed premise.~~
- ~~E. The patio shall be clearly delineated by a permanent installed fence, or other structure or barrier, at least 42" high to prevent the ingress or egress of persons to and from the patio. The fence shall be designed and constructed in a manner that discourages or deters the passing of any regulated, controlled or prohibited items outside from one side of the fence to the other side of the fence.~~
- ~~F. Panic and fire exit hardware shall be installed on the fence or barrier and comply with the Minnesota Building Code.~~
- ~~G. Patios in direct contact with, or immediately adjacent to a parking area for motor vehicles, shall have sufficient barriers installed, as defined by the Minnesota State Building Code, to reduce the likelihood of incursion of vehicles into the patio space.~~
- ~~H. The licensee shall pay the Metropolitan Council S.A.C. unit(s) for outside seating.~~
- ~~I. The patio shall be placed in an area to meet the state and federal accessibility requirements.~~
- ~~J. Live entertainment shall be allowed in the patio area between the hours of 9 am and 10 pm. Music, sound, or noise in the patio enclosure shall comply with the provisions of Chapter 124 of the Fridley City Code at all times.~~
- ~~K. The sale and consumption of intoxicating liquor within the patio is limited to the normal business hours. No licensee, nor the employee, nor agent of any license will serve, dispense, possess, display, or in any manner furnish intoxicating liquor at any other time.~~
- ~~L. All other conduct pertaining to the licensed premises required by this Code or Minnesota state statutes shall apply.~~

3. Application

~~Any restaurant to which an on-sale intoxicating or wine license has been issued may submit an application for a patio endorsement. The application shall contain a description of the outdoor area that is proposed to be licensed and will be accompanied by a drawing of the proposed area~~

~~to be licensed. The application will also include a detailed description of the barriers that will be used, the method of seating, ingress and egress arrangements, security provisions, sanitary and fire arrangements and lighting. The drawings must include the dimensions of the area, barriers, tables, aisles and equipment, and must be drawn proportionately to scale.~~

~~This application must be submitted to the City Clerk for review and comment by the Police Department, Fire Department, and Community Development Department before submission to the City Council. The City staff will review the suitability of the proposed licensed area in light of the applicable fire, building and life safety codes, zoning codes, past performance of the licensee in maintaining order and obeying applicable laws in the licensed patio and in the principal licensed premises, the adequacy of the proposal to provide for the safety of persons on the proposed premises, impact on the surrounding land, adequacy of lighting, appropriateness of noise level, suitability of ingress and egress arrangements including control of persons entering and leaving for purposes of preventing consumption by minors and safety of seating arrangements.~~

~~If the patio endorsement is approved by the City Council, the licensee would be required to apply for and pay for the appropriate building permits and fees.~~

~~4. Violations~~

- ~~A. It shall be a violation of this code, by the license holder and/or any employees or agents of the license holder, to permit, allow or fail to prevent persons from directly accessing the patio by means other than through the building on the premises.~~
- ~~B. It shall be a violation of this code by the license holder and/or any employees or agents of the license holder, or to allow any other person, to provide, furnish or give any liquor, tobacco products, weapons, or any other regulated controlled or prohibited items (for example, drugs, dice, cards, etc.) from one side of the fence or barrier to the other.~~
- ~~C. Any violation of the provisions of this Code or of the state law regulating the sale of liquor which occur in the patio area will be considered as a violation of the principal on-sale license for the premises.~~

~~603.27. ADMINISTRATIVE OFFENSES~~

~~1. Administrative Civil Penalties: Administrative offense procedures established pursuant to this chapter are intended to provide the public and the City with an informal, cost effective, and practical alternative to traditional criminal charges for violations of this ordinance. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses.~~

~~2. Every licensee shall be responsible for the conduct of its employees while on the licensed premises and any sale or other disposition of any intoxicating liquor, 3.2% malt liquor, beer or wine by an employee to any person under twenty-one (21) years of age shall be considered an act of the licensee for purposes of imposing an administrative penalty, license suspension, or revocation.~~

~~A. Individual. At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which event the City may bring criminal charges in accordance with law. Likewise, the City, at its discretion, may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.~~

~~B. Licensee. At any time prior to the payment of the administrative penalty as is provided for hereafter, the licensee may withdraw from participation in the procedures in which event the City may permanently revoke the license issued to the licensee under this Chapter in accordance with law. Likewise, the City, in its discretion, may revoke the license issued to the licensee under this Chapter in the first instance. In the event a licensee participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will suspend the license issued to the licensee under this Chapter in accordance with section 603.26.B of this ordinance.~~

~~3. Notice. Any officer of the Fridley Police Department shall, upon determining there has been a violation, notify the violator of the violation. Said notice shall set forth the nature, date and time of violation, the name of the officer issuing the notice and the amount of the scheduled penalty.~~

~~4. Payment. Once such notice is given, the alleged violator may, within twenty (20) days of the time of issuance of the notice pay the amount set forth on the notice, or may request a hearing in writing, as provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.~~

~~5. Hearing. Any person contesting an administrative offense pursuant to this Chapter may request a hearing before the Hearing Examiner. Such request shall be filed in writing with the office of the Public Safety director within twenty (20) days of the offense. The Public Safety Director shall notify the Hearing Examiner, who will notify the person contesting and the licensee of the date, time, and place of hearing. The hearing shall be conducted no more than twenty (20) days after the Hearing Examiner receives notice of the request, unless a later date is mutually agreed to by the Hearing Examiner, the licensee, the person contesting and the City. Within ten (10) days after such hearing, the Hearing Examiner shall affirm, repeal, or modify the charge against the licensee or the person contesting. Any person aggrieved by the decision of the Hearing Examiner may appeal with the Public Safety Director within twenty (20) days of receiving notice of the Hearing Examiner's decision. At its next available regular meeting following the filing of a notice of appeal, the Council shall review the decision and findings of fact of the Hearing Examiner and shall affirm, repeal or modify that decision.~~

~~6. Hearing Examiner. The position of Hearing Examiner is hereby created. The City Manager may, at his discretion and with the approval of the Council, contract with third parties for the furnishing of all services of the Hearing Examiner as contained in this Chapter and set the rate of compensation therefore.~~

~~7. —Qualifications. The Hearing Examiner shall be an individual trained in law; however, it shall not be required that the Hearing Examiner be currently licensed to practice law in the State of Minnesota.~~

~~8. —Duties: The Hearing Examiner shall have the following duties:~~

- ~~A. Set dates and hear all contested cases.~~
- ~~B. Take testimony from all interested parties.~~
- ~~C. Make a complete record of all proceedings including findings of fact and conclusions of law.~~
- ~~D. Affirm, repeal or modify the penalty assessed.~~

~~9. —Failure to Pay. In the event a party charged with an administrative penalty fails to pay the penalty, if an individual, the party will be charged with the criminal offense; if a licensee, the Council will suspend the license issued to the licensee under this Chapter.~~

~~10. —Disposition of Penalties. All penalties collected pursuant to this Chapter shall be paid to the City's treasurer and will be deposited in the City's general fund.~~

~~603.28.VIOLATIONS~~

~~1. —Administrative Civil Penalties: Individuals. Any person in the employ of a licensee who sells any intoxicating liquor, 3.2% malt liquor, beer or wine to a person under the age of twenty-one (21) years is subject to an administrative penalty; and any person under the age of twenty-one (21) years who attempts to purchase any intoxicating liquor, 3.2% malt liquor, beer or wine from a licensee is subject to an administrative penalty. The administrative penalties are as follows:~~

~~First violation. The penalty for the first violation is \$250.00.~~

~~Second violation within 12 months. The penalty for the second violation is \$500.00.~~

~~Third violation within 12 months. The penalty for the third violation is \$750.00.~~

~~2. —Administrative Civil Penalties; Licensee. If a licensee or an employee of a licensee is found to have sold any intoxicating liquor, 3.2% malt liquor, beer or wine to a person under the age of twenty-one (21) years, the licensee shall be subject to an administrative penalty as follows:~~

~~First violation. The penalty for the first violation is \$500.00. If the fine is not paid within 20 days the City may suspend the license issued to the licensee under this Chapter for a period not to exceed 10 days.~~

~~Second violation within 12 months. The penalty for the second violation is \$1000.00. If the fine is not paid within 20 days the City may suspend the license issued to the licensee under this Chapter for a period not to exceed 30 days.~~

~~Third violation within 12 months. The city may permanently revoke the license issued to the licensee under this Chapter.~~

~~3. —Defense. It is a defense to the charge of selling intoxicating liquor, 3.2% malt liquor, beer or wine to a person under the age of twenty-one (21) years, that the licensee or individual, in~~

~~making the sale, reasonably and in good faith relied upon representation of proof of age described in State Statute Section 340A.503, subdivision 6, paragraph (a).~~

~~4. Exemption. A person, no younger than 18 and no older than 20, may be enlisted to assist in the tests of compliance. The person shall at all times act only under the direct supervision of a law enforcement officer or an employee of the licensing department, or in conjunction with a compliance check effort that has been pre-approved by the Fridley Police department. A person who purchases or attempts to purchase intoxicating liquor, 3.2% malt liquor, beer or wine while in this capacity is exempt from the penalties imposed by subdivision A above.~~

~~5. Revocation. The City Council has the authority to revoke any license as noted in 11.08.~~

~~603.29. PENALTIES~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violation under the provisions of Chapter 901 of this Code.~~

~~FRIDLEY CITY CODE~~

~~CHAPTER 604. CONSUMPTION AND DISPLAY PERMITS~~

~~604.01 CONSUMPTION AND DISPLAY PERMITS~~

~~1. A consumption and display permit may be approved by the City for an organization that complies with the requirements of Minnesota Statutes Section 340A.414, subd. 2 and that has obtained a permit from the Commissioner of Public Safety.~~

~~2. Consumption and display permits issued by the Commissioner of Public Safety and approved by the City expire on March 31 of each year.~~

~~3. In addition to the annual fee imposed by the Commissioner of Public Safety for a consumption and display permit, the City shall impose a fee, not to exceed \$300, which must be paid prior to issuance of such permit.~~

~~604.02 ONE-DAY CONSUMPTION AND DISPLAY PERMITS~~

~~1. It is the intent and purpose of this section to effectuate the authorization to issue one-day consumption and display permits given to municipalities by Minnesota Statutes Section 340A.414, subd. 9.~~

~~2. One-day consumption and display permits may only be issued to a nonprofit organization in conjunction with a social activity in the City sponsored by the organization.~~

~~3. A one-day consumption and display permit shall be issued on an application form prescribed by the City Clerk and issued by the City Council. No public hearing shall be required.~~

~~4. In addition to the permit fee imposed by the Commissioner of Public Safety for a one-day consumption and display permit, the City shall impose a fee, not to exceed \$25, which must be paid prior to issuance of such permit.~~

~~5. If the one-day consumption and display permit is used on public property owned by the City, upon the recommendation of the Public Safety Directory, the City Council may require the holder of the permit, as a term and condition of the permit, to hire uniformed police officer(s) to remain on the premises during the use of the permit.~~

~~6. A one-day consumption and display permit issued under this section is not valid unless first approved by the Commissioner of Public Safety.~~

~~7. Permits may be suspended by the Public Safety Director, or a police officer, when there is a public safety danger or infringement of peace and tranquility.~~

~~8. Because the one-day consumption and display permit is not a retail permit for the sale of alcoholic beverages, no proof of liability insurance will be required for issuance of the permit.~~

~~FRIDLEY CITY CODE CHAPTER 605. INTOXICATING LIQUOR -- BOTTLE CLUB PERMIT~~

~~605.01 DEFINITIONS~~

~~The definitions delineated in Minnesota State Statute 340A relating to liquor laws are adopted by reference.~~

~~605.02 PERMIT REQUIRED~~

~~No business establishment or club which does not hold an on-sale intoxicating liquor license may directly or indirectly allow the consumption and display of intoxicating liquor or knowingly serve any liquid for the purpose of mixing with intoxicating liquor without first having obtained a permit from the State of Minnesota.~~

~~605.03 ELIGIBILITY FOR PERMIT~~

~~The City may approve a State permit under this section only to:~~

- ~~1. 1. An applicant who has not, within five years prior to the application, been convicted of a felony or of violating any provision of Minnesota State Statute 340A, or for violating any provision of Fridley City Code relating to liquor or nonintoxicating malt liquor.~~
- ~~2. An establishment licensed for the sale of non-intoxicating malt liquor.~~
- ~~3. A club that does not hold an on-sale intoxicating liquor license.~~

~~605.04 CONSUMPTION AND DISPLAY ONLY~~

~~A permit issued under this section authorizes the establishment to permit the consumption and display of intoxicating liquor on the premises. The permit does not authorize the sale of intoxicating liquor.~~

~~605.05 PERMIT FEES – EXPIRATION~~

~~The permit fees shall be the maximum allowed in Minnesota Statute 340A as provided in Chapter 11 of this code. All annual permits issued under this Chapter expire on June 30 of each year.~~

~~605.06 INSPECTION~~

~~An establishment holding a permit under this section is open for inspection by peace Officers who may enter and inspect any time the premises are occupied. Intoxicating liquor sold, served, or displayed in violation of law may be seized and disposed.~~

~~605.07 LOCKERS~~

~~A club issued a permit under this Chapter may allow members to bring and keep a personal supply of bottles kept in lockers on the club's premises. All bottles kept on the premises must have attached to it a label signed by the member. No person under 21 years of age may keep a supply of intoxicating liquor on club premises.~~

~~605.08 ONE DAY PERMIT~~

~~The City may issue a one day permit for the consumption and display of intoxicating liquor under this Chapter to a non-profit organization in conjunction with a social activity in the City sponsored by the organization.~~

~~The permit must also be approved by the State of Minnesota and is valid only for the day indicated on the permit.~~

~~605.09 REGULATIONS BY REFERENCE~~

~~Regulations delineated in Chapter 606 of this code entitled "Intoxicating Liquors – On-Sale Club", relating to application, bonds, liability insurance, granting of licenses, conditions, hours of operation, prohibited sales, conduct prohibited, revocation and penalties, are adopted by reference.~~

~~FRIDLEY CITY CODE CHAPTER 606. INTOXICATING LIQUORS – ON-SALE CLUBS~~

~~606.01. DEFINITIONS~~

~~The following definitions shall apply in the interpretation and application of this Chapter and the following words and terms, wherever they occur in this Chapter, are defined as follows:~~

~~1. Club. "Club" is an incorporated organization organized under the laws of the state for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization, which:~~

~~A. has more than 50 members;~~

~~B. has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members.~~

~~C. is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body.~~

~~2. On-Sale. "On-Sale" is the sale of alcoholic beverages for consumption on the licensed premises only.~~

~~606.02. LICENSES REQUIRED~~

~~No person or organization shall sell, deal in or dispose of by gift, sale or otherwise, any liquor without first having obtained a license to do so from the City Council; provided, however, that this Section shall not prohibit the giving or serving thereof to guests in a private home, shall not prohibit the sale thereof by a manufacturer or distributor to a person holding a license thereunder, and shall in no way effect the operation of the municipal liquor stores. In addition to the foregoing, no person shall sell any intoxicating liquor after 1:00 a.m. without obtaining a special Late Night License Endorsement for an existing liquor license as provided in this Chapter.~~

~~606.03. KIND OF LICENSE ISSUED~~

~~"On-Sale" licenses may be issued to clubs for the sale of on-sale liquors to members of the organization or their bona fide guests only.~~

~~606.04. SUNDAY LIQUOR SALES~~

~~No person or organization shall sell any intoxicating liquor on Sundays without obtaining a separate license for said Sunday sales. The annual license fee for "Sunday Liquor Sales" shall be as provided in Chapter 11. The annual fee for a license endorsement for late hour liquor sales after 1:00 a.m., but before 2:00 a.m. shall be provided in Chapter 11. These fees are in addition to the fee charged for an "On-Sale" license. All provisions of the Chapter pertaining to the "On-Sale"~~

~~license shall apply to the "Sunday Liquor Sales" license, and the Late Night License Endorsement insofar as applicable. (Ord 1197)~~

~~606.05. APPLICATION~~

~~All applications for licenses hereunder shall be made to the City setting forth all information necessary to show whether or not the applicant qualifies for such a license under this Chapter, together with such additional information as may be required by the City Council.~~

~~606.06. LICENSE FEE~~

~~The annual license fees shall be the maximum allowed in Minnesota Statute 340A as provided in Chapter 11 of this Code. (Ref. 956)~~

~~606.07. BONDS~~

~~1. Each application for an "on-sale", "off-sale" liquor license or "on-sale" wine license shall be accompanied by a surety bond in the amount of \$3,000.00 running to the City of Fridley, or in lieu thereof, cash or United State Government bonds of equivalent market value, as provided in Minnesota Statutes, Section 340.12. The bond shall be in effect for the period covered by the license.~~

~~2. The bond's conditions are as follows:~~

~~A. The licensee will obey the laws relating to the licensed business.~~

~~B. The licensee will pay to the City, when due, all taxes, licenses, penalties, and other charges.~~

~~C. In the event of any violation of any liquor laws, the bond shall be forfeited to the City, as obligee.~~

~~3. Bonds for "on-sale" licenses shall be filed with the City Clerk and approved by the City Council. Bonds for "off-sale" licenses and lion-sale" wine licenses shall be filed with the City Clerk and approved by the City Council and the Commissioner of Public Safety.~~

~~4. All bonds shall be for the benefit of the City, as obligee, and all persons suffering damages by reason of the violation of the conditions of 606.07.2. Upon forfeiture of the bond for violation of the law, the District Court of Anoka County may forfeit the bond's penal sum or any part thereof to the City.~~

~~5. Operation of a licensed business without having on file at all times with the City of Fridley effective security as required above shall be grounds for immediate revocation of the license. (Ref. 809)~~

~~606.08. LIABILITY INSURANCE~~

~~1. Every person licensed to sell at retail intoxicating liquor or non-intoxicating malt liquor at on-sale or off-sale or on-sale wine shall, after August 1, 1983, demonstrate proof of financial responsibility with regard to liability imposed by Minnesota Statutes, Section 340.95 to the City Clerk as a condition of the issuance or renewal of his or her license. Proof of financial responsibility may be given by filing:~~

~~A. A certificate that there is in effect for the period covered by the license an insurance policy or pool providing the following minimum coverages:~~

~~(1) \$50,000 because of bodily injury to any one person in any one occurrence, and, subject to the limit for one person, in the amount of \$100,000 because of bodily injury to two or more persons in any one occurrence, and in the amount of \$10,000 because of injury to or destruction of property of others in any one occurrence.~~

~~(2) \$50,000 for loss of means of support of any one person in any one occurrence, and, subject to the limit for one person, \$100,000 for loss of means of support of two or more persons in one occurrence; or~~

~~B. A bond of a surety company with minimum coverages as provided in clause (A) above, or~~

~~C. A certificate of the State Treasurer that the licensee has deposited with the State Treasurer \$100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of \$100,000.~~

~~2. A liability insurance policy required by Section 606.08.1 shall provide that it may not be canceled for any cause, either by the insured or the insurance company without first giving ten (10) days notice to the City of Fridley in writing of the intention to cancel it, addressed to the City Clerk of the City of Fridley.~~

~~3. A liability insurance policy required by Section 606.08.1 shall provide that the insurance company agrees to contact the City of Fridley in writing and addressed to the City Clerk of the City of Fridley, within ten (10) days of any claim made against the policy.~~

~~4. A liability insurance policy required by Section 606.08.1 that contains annual aggregate limits of liability shall require the insured to buy additional coverage after any claim is made that reduces the coverage under the policy below the requirements of Section 606.08.1.~~

~~5. The operation of a retail intoxicating or non-intoxicating malt liquor business at on-sale or off-sale or on-sale wine, without having on file at all times with the City of Fridley the liability insurance policy or other evidence of financial responsibility required under Section 606.08.1 shall be grounds for immediate revocation of the license. Notice of cancellation of a current liquor liability policy serves as notice to the licensee of the impending revocation and unless evidence of compliance with the financial responsibility requirements of Section 606.08.1 is presented to the City Clerk before the termination is effective, the license will be revoked instantly upon the lapse.~~

~~6. The City Clerk shall submit the provided proof of financial responsibility to the Commissioner of Public Safety.~~

~~606.09 GRANTING OF LICENSES~~

~~1. Initial Licenses~~

- ~~A. Upon receipt of a complete application, the City Clerk shall forward the application to the Public Safety Director, or Director's designee, for verification and investigation of the facts set forth in the application. The Director or their designee shall complete such investigation and make a written recommendation and report to the City Clerk. The report shall include a list of all violations of any federal, state or municipal law.~~
- ~~B. After receipt of the written report, the City Clerk shall forward the application to the Fire Department and Building Inspections Department for their review and comment.~~
- ~~C. Within twenty (20) days after the receipt of the Director's written report, the City Clerk shall cause to be published a Notice of Public Hearing regarding the license application in the official newspaper at least ten (10) days in advance of the public hearing. The Notice shall include the date, time and place of the public hearing, the name of the applicant, the address of the premises to be licensed, and the nature of the business. The City Clerk shall prepare a written report to the City Council for the public hearing which shall include the Director's report and any comments the Fire and Building Inspections Departments may have. An application for a temporary on-sale 3.2% malt liquor license shall be exempt from the public hearing requirement.~~

~~D. At the time of the public hearing, opportunity shall be given to any person to be heard for or against the granting of the license. If additional information is required, the City Council may conduct an additional hearing, as it may deem advisable, within a reasonable amount of time. The City Council may thereafter grant or deny the application in its discretion.~~

~~E. The City Clerk shall, within ten (10) days after the issuance of any license under this Chapter, submit the required documentation to the Commissioner of Public Safety. The City Clerk shall also submit to the Commissioner of Public Safety any change of address, cancellation or revocation of any license by the City Council during the license period.~~

~~F. Each license is issued to the applicant at the premises described in the application. No license may be transferred to another person or to another location.~~

~~G. Where a license is granted to a premises where the building is under construction or otherwise not ready for occupancy, the City Clerk shall not issue the license until a Certificate of Occupancy has been issued. The Building Inspection Department shall notify the City Clerk that the Certificate of Occupancy has been issued and the building is ready for occupancy.~~

~~2. Renewal Licenses~~

~~A. Applications for the renewal of an existing license shall be made at least 60 days prior to the date of the expiration of the license and shall be made in such abbreviated form as the City Council may approve. If, in the judgment of the City Council, good and sufficient cause is shown by an applicant for their failure to file for a renewal within the time provided, the City Council may, if the other provisions of this Chapter are complied with, grant the application. A review shall be made of all facts set out in the application. The City Council shall grant or refuse the application in its discretion.~~

~~B. Each license holder shall be given written notice, by mail, at least ten (10) days but not more than thirty (30) days before the City Council acts upon their license renewal. This notice shall be in a form as designated by the City Clerk and shall specify the date and time when the renewal application will be considered by the City Council. The license holder shall be permitted an opportunity to address the City Council on its license renewal application. (Ref. 809)~~

~~606.10. CONDITIONS~~

~~All licenses granted hereunder shall be issued subject to the following conditions, and all other conditions of this Chapter and subject to all other provisions of this Code applicable thereto:~~

~~1. The license shall be posted at all times in a conspicuous place on the licensed premises.~~

~~2. No sale of any liquor will be made to any person under guardianship nor to any person under twenty-one (21) years of age.~~

~~3. Only lawful gambling or lawful gambling devices permitted by the State of Minnesota and expressly authorized and permitted by the City of Fridley pursuant to Chapters 30 and 603 of the City Code shall be authorized on the licensed premises. (Ref 1200)~~

~~4. All licenses granted under this Chapter shall be issued for the premises designated in the application. Such license shall not be transferred to another place without approval of the licensing authority.~~

~~5. No license shall be granted within six hundred (600) feet of any public school nor within six hundred (600) feet of any church.~~

~~6. The licensed premises shall be open to inspection by any Police or Health Officer or other properly designated officer or employee of the City at any time during which the club shall be open to its members for business.~~

~~7. The sale of intoxicating liquor under such license is restricted to members of the club and their bona fide guests. (Ref. 956)~~

~~8. The licensee shall strictly observe all of the laws relative to the "on-sale" of intoxicating liquor as set forth in the Minnesota Statutes, together with all the rules and regulations of the State Liquor Control Commission insofar as they are applicable.~~

~~9. The liability insurance policy as required by this Chapter shall be in full force and effect during the term of any license granted thereunder.~~

~~10. No licensee shall permit in any licensed establishment, or any adjoining property owned or leased by the licensee, any boxing, wrestling, or any other form of entertainment whose primary purpose is physical contact by striking or touching an opponent with hands, head, feet, or body. Team sports in which physical contact is incidental to the primary purpose of the game such as basketball, volleyball, soccer, football, baseball, hockey, and softball are not included among activities prohibited by this section. (Ref 1201)~~

~~11. No licensee shall use or permit to be used any playing cards on the licensed premise except that playing cards may be used during a tournament of a social skill card game as defined by~~

~~Minnesota Statute 609.761, subdivision 3, and conducted pursuant to regulations contained therein and this City Code. (Ref Ord 1211)~~

~~A. Social Skill Card Game Tournament~~

- ~~(1) A social skill card game tournament means one separate and distinct organized contest involving contestants who compete in a series of elimination card games of social skill as defined by Minnesota Statute 609.761, subdivision 3.~~
- ~~(2) No licensee shall permit or conduct more than one social skill card game tournament at any one time on the licensed premise or any adjoining property owned or leased by the licensee and no social skill card game tournament shall be permitted or conducted except during the normal hours of operation of the licensed premise.~~
- ~~(3) No licensee shall charge or permit to be charged, to either participants or spectators of a social skill card game tournament, a price for consumer goods which is higher than the price that is normally charged.~~
- ~~(4) No licensee shall permit wagers in a social skill card game tournament to be made with currency or any other thing of value except tournament chips or tokens. Tournament chips or tokens shall represent tournament points only and shall have no cash value or be redeemable for cash or for any other thing of value, except the point total represented by the players' accumulation of tournament chips or tokens shall be used to determine winners and/or final place in a tournament.~~
- ~~(5) No licensee shall permit players or spectators to make any side bets or back bets, or engage in any other form of gambling, at a social skill card game tournament.~~
- ~~(6) No licensee shall permit the aggregate amount or fair market value of prizes offered or given in any single social skill card game tournament to exceed \$200 and no licensee shall award or permit to be awarded prizes exceeding a \$200 value to any one social skill card game tournament participant on any one day.~~
- ~~(7) No licensee shall award or permit to be awarded any prize consisting of intoxicating liquor, beer, or wine, or certificate for future consideration of same, in a social skill card game tournament.~~
- ~~(8) No person, partnership, corporation, or other organization, other than the licensee, shall conduct or be permitted to conduct a social skill card game tournament on a licensed premise without first having obtained a tournament service provider license pursuant to this Chapter.~~

~~B. Social Skill Card Game Tournament Service Provider~~

- ~~(1) A person, partnership, corporation, or other organization, other than the licensee, who conducts, organizes supplies or promotes a social skill card game tournament on a~~

~~premise licensed under this Chapter, is a social skill card game tournament service provider.~~

~~(2) No person, partnership, corporation, or other organization shall act as a social skill card game tournament service provider without first having obtained a license to do so from the City Council.~~

~~(3) All applications for tournament service provider licenses shall be made to the City setting forth all information necessary to show whether or not the person, partnership, corporation, or other organization qualifies for such a license under this Chapter, together with such additional information as may be required by the City Council. A completed application form must include the full true names, dates of birth, social security numbers and addresses of all persons financially interested in the business and/or all persons who are either on the Board of Directors of or hold offices in the entity or organization. The term "persons financially interested in the business" shall include all persons who share in the profits of the business.~~

~~(4) All applications for a license shall be referred to the Public Safety Director for verification and investigation of the facts set forth in the application. The Public Safety Director shall cause to be made such investigation of the information requested as shall be necessary and shall make a written recommendation and report to the City Council which shall include a list of all violations of Federal or State law or Municipal ordinance. The City Council may order and conduct such additional investigation as it shall deem necessary. In making a determination of suitability for a tournament service provider license, the City Council shall consider the background of each person, partner, corporate officer or individual applicant.~~

~~(5) No license shall be granted or held by any person who has been convicted, within 15 years prior to the application of such license, of any felony violation of any law of the United States, the State of Minnesota, or any other state or territory, or of any local ordinance involving or related to theft or gambling.~~

~~(6) The annual license fee and expiration date shall be as provided in Chapter 11 of this Code.~~

~~606.11. HOURS OF OPERATION~~

~~1. No sale of intoxicating liquor for consumption on the licensed premises may be made between 1:00 a.m. and 8:00 a.m. on the days of Monday through Sunday. No sale may be between the hours of 8:00 p.m. December 24th and 8:00 a.m. December 26th without a Holiday Endorsement. (Ref. 935, 984, 1271, 1335)~~

~~A. Holiday Endorsement. The Holiday Endorsement enables the establishment to remain open on Monday through Saturday between the hours of 8:00 a.m. on December 24th and 1:00 a.m. on December 25th and between 8:00 a.m. on December 25th and 1:00 a.m. on December 26th. Should December 24th, 25th or 26th fall on a Sunday, the establishment~~

~~may not sell, provide or allow the consumption of liquor until 10:00 a.m. or until such other time as defined by Minnesota Statutes.~~

- ~~B. Those establishments which also hold a Late Night Endorsement as defined in Section 606.11.3 of the Fridley City Code may remain open until 2:00 a.m. on December 25th and 26th.~~

~~2. It shall be unlawful for any persons or, customers, other than the licensees or their employees to remain on the premises after 1:30 a.m. There shall be no consumption by any persons, including the licensees and their employees, after 1:30 a.m. (Ref. 809)~~

~~3. Notwithstanding the foregoing, a sale of intoxicating liquor for consumption may occur on a licensed premises between the hours of 1:00 a.m. and 2:00 a.m. if the licensee has been granted by the city a Late Night Endorsement for that license. No sale of intoxicating liquor for consumption on any license premises for which a Late Night License Endorsement has been granted by the city shall occur between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday. It shall be unlawful for any persons or customers, other than the licensees or their employees, to remain on a licensed premises for which a Late Night License Endorsement has been granted by the City, nor shall there be any consumption by any persons, including the licensees and their employees on such premises, more than one-half hour after closure of operations for that day and, in no event, later than 2:30 a.m. (Ord 1197)~~

~~606.12. PATIO ENDORSEMENT (Ref Ord 1242)~~

~~The sale of alcoholic beverages pursuant to any of the licenses issued in accordance with Chapters 602, 603 or 606 of the Code, with the exception of a temporary license, will be limited to the sale and consumption inside of a structure on the licensed premises, unless the licensee applies for and receives approval from the City Council for a Patio Endorsement to allow the sale and consumption outside of a structure on the licensed premises.~~

~~2. Regulations~~

- ~~A. An outdoor patio shall not be enclosed in such a manner that the air becomes indoor air as defined by state law.~~
- ~~B. The patio shall be attached to the licensed premises and share at least one common wall or side with the licensed premise building/structure. The contiguous area will not be part of a public street, sidewalk or other public grounds.~~
- ~~C. If part of the parking lot is used to install an outdoor patio, the patio must share one common wall with the licensed premise. In addition, the licensed premise must continue to meet the parking requirements set by city code and the outdoor patio shall not affect the circulation of traffic.~~
- ~~D. Access to the patio shall be directly from the licensed premises with no direct access other than an emergency exit (exit only) equipped with an alarm, from any area other than by passing through the normal interior public areas of the licensed premise.~~

- ~~E. The patio shall be clearly delineated by a permanent installed fence, or other structure or barrier, at least 42" high to prevent the ingress or egress of persons to and from the patio. The fence shall be designed and constructed in a manner that discourages or deters the passing of any regulated, controlled or prohibited items outside from one side of the fence to the other side of the fence.~~
- ~~F. Panic and fire exit hardware shall be installed on the fence or barrier and comply with the Minnesota Building.~~
- ~~G. Patios in direct contact with, or immediately adjacent to a parking area for motor vehicles, shall have sufficient barriers installed, as defined by the Minnesota State Building Code, to reduce the likelihood of incursion of vehicles into the patio space.~~
- ~~H. The licensee shall pay the current Metropolitan Council S.A.C. unit(s) for outside seating.~~
- ~~I. The patio shall be placed in an area to meet the state and federal accessibility requirements.~~
- ~~J. Live entertainment shall be allowed in the patio area between the hours of 9:00 am and 10:00 pm. Music, sound or noise in the patio enclosure shall comply with the provisions and requirements of Chapter 124 of the Fridley City Code at all times.~~
- ~~K. The sale and consumption of intoxicating liquor within the patio is limited to the normal business hours. No licensee, nor the employee, nor agent of any license will serve, dispense, possess, display, or in any manner furnish intoxicating liquor at any other time.~~
- ~~L. All other conduct pertaining to the licensed premises required by this Code or Minnesota state statutes shall apply.~~

~~3. Application~~

~~Any club to which an on-sale intoxicating or wine license has been issued may submit an application for a patio endorsement. The application shall contain a description of the outdoor area that is proposed to be licensed and will be accompanied by a drawing of the proposed area to be licensed. The application will also include a detailed description of the barriers that will be used, the method of seating, ingress and egress arrangements, security provisions, sanitary and fire arrangements and lighting. The drawings must include the dimensions of the area, barriers, tables, aisles and equipment, and must be drawn proportionately to scale.~~

~~This application must be submitted to the City Clerk for review and comment by the Police Department, Fire Department, and Community Development Department before submission to the City Council. The City staff will review the suitability of the proposed licensed area in light of the applicable fire, building and life safety codes, zoning codes, past performance of the licensee in maintaining order and obeying applicable laws in the licensed patio and in the principal licensed premises, the adequacy of the proposal to provide for the safety of persons on the proposed premises, impact on the surrounding land, adequacy of lighting, appropriateness of noise level,~~

~~suitability of ingress and egress arrangements including control of persons entering and leaving for purposes of preventing consumption by minors and safety of seating arrangements.~~

~~If the patio endorsement is approved by the City Council, the licensee would be required to apply for and pay for the appropriate building permits and fees.~~

~~4. Violations~~

- ~~A. It shall be a violation of this code, by the license holder and/or any employees or agents of the license holder, to permit, allow or fail to prevent persons from directly accessing the patio by means other than through the building on the premises.~~
- ~~B. It shall be a violation of this code by the license holder and/or any employees or agents of the license holder, or to allow any other person, to provide, furnish or give any liquor, tobacco products, weapons, or any other regulated controlled or prohibited items (for example, drugs, dice, cards, etc.) from one side of the fence or barrier to the other.~~
- ~~C. Any violation of the provisions of this Code or of the state law regulating the sale of liquor which occur in the patio area will be considered as a violation of the principal on-sale license for the premises.~~

~~606.13. PROHIBITED SALES~~

~~No licensee shall sell or serve liquor to any intoxicated person or persons or permit any intoxicated person or persons to remain upon the premises occupied by the holder of such license.~~

~~606.14. CONDUCT PROHIBITED~~

~~No person shall conduct himself or herself in a disorderly or boisterous manner upon the premises of a licensee holding an "on-sale" license, nor shall such licensee permit or suffer such conduct upon such licensed premises.~~

~~606.15. ADMINISTRATIVE OFFENSES (Ref Ord 1212)~~

~~1. Administrative Civil Penalties: Administrative offense procedures established pursuant to this chapter are intended to provide the public and the City with an informal, cost effective, and practical alternative to traditional criminal charges for violations of this ordinance. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses.~~

~~2. Every licensee shall be responsible for the conduct of its employees while on the licensed premises and any sale or other disposition of any intoxicating liquor, 3.2% malt liquor, beer or wine by an employee to any person under twenty-one (21) years of age shall be considered an act of the licensee for purposes of imposing an administrative penalty, license suspension, or revocation.~~

- ~~A. Individual. At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which~~

~~event the City may bring criminal charges in accordance with law. Likewise, the City, at its discretion, may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.~~

~~B. Licensee. At any time prior to the payment of the administrative penalty as is provided for hereafter, the licensee may withdraw from participation in the procedures in which event the City may permanently revoke the license issued to the licensee under this Chapter in accordance with law. Likewise, the City, in its discretion, may revoke the license issued to the licensee under this Chapter in the first instance. In the event a licensee participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will suspend the license issued to the licensee under this Chapter in accordance with section 606.15.B of this ordinance.~~

~~3. Notice. Any officer of the Fridley Police Department shall, upon determining there has been a violation, notify the violator of the violation. Said notice shall set forth the nature, date and time of violation, the name of the officer issuing the notice and the amount of the scheduled penalty.~~

~~4. Payment. Once such notice is given, the alleged violator may, within twenty (20) days of the time of issuance of the notice pay the amount set forth on the notice, or may request a hearing in writing, as provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.~~

~~5. Hearing. Any person contesting an administrative offense pursuant to this Chapter may request a hearing before the Hearing Examiner. Such request shall be filed in writing with the office of the Public Safety director within twenty (20) days of the offense. The Public Safety Director shall notify the Hearing Examiner, who will notify the person contesting and the licensee of the date, time, and place of hearing. The hearing shall be conducted no more than twenty (20) days after the Hearing Examiner receives notice of the request, unless a later date is mutually agreed to by the Hearing Examiner, the licensee, the person contesting and the City. Within ten (10) days after such hearing, the Hearing Examiner shall affirm, repeal, or modify the charge against the licensee or the person contesting. Any person aggrieved by the decision of the Hearing Examiner may appeal with the Public Safety Director within twenty (20) days of receiving notice of the Hearing Examiner's decision. At its next available regular meeting following the filing of a notice of appeal, the Council shall review the decision and findings of fact of the Hearing Examiner and shall affirm, repeal or modify that decision.~~

~~6. Hearing Examiner. The position of Hearing Examiner is hereby created. The City Manager may, at his discretion and with the approval of the Council, contract with third parties for the furnishing of all services of the Hearing Examiner as contained in this Chapter and set the rate of compensation therefore.~~

~~7. Qualifications. The Hearing Examiner shall be an individual trained in law; however, it shall not be required that the Hearing Examiner be currently licensed to practice law in the State of Minnesota.~~

~~8. Duties: The Hearing Examiner shall have the following duties:~~

- ~~A. Set dates and hear all contested cases.~~
- ~~B. Take testimony from all interested parties.~~
- ~~C. Make a complete record of all proceedings including findings of fact and conclusions of law.~~
- ~~D. Affirm, repeal or modify the penalty assessed.~~

~~9. Failure to Pay. In the event a party charged with an administrative penalty fails to pay the penalty, if an individual, the party will be charged with the criminal offense; if a licensee, the Council will suspend the license issued to the licensee under this Chapter.~~

~~10. Disposition of Penalties. All penalties collected pursuant to this Chapter shall be paid to the City's treasurer and will be deposited in the City's general fund.~~

~~606.16. VIOLATIONS~~

~~1. Administrative Civil Penalties: Individuals. Any person in the employ of a licensee who sells any intoxicating liquor, 3.2% malt liquor, beer or wine to a person under the age of twenty-one (21) years is subject to an administrative penalty; and any person under the age of twenty-one (21) years who attempts to purchase any intoxicating liquor, 3.2% malt liquor, beer or wine from a licensee is subject to an administrative penalty. The administrative penalties are as follows:~~

~~First violation. The penalty for the first violation is \$250.00.~~

~~Second violation within 12 months. The penalty for the second violation is \$500.00.~~

~~Third violation within 12 months. The penalty for the third violation is \$750.00.~~

~~2. Administrative Civil Penalties; Licensee. If a licensee or an employee of a licensee is found to have sold any intoxicating liquor, 3.2% malt liquor, beer or wine to a person under the age of twenty-one (21) years, the licensee shall be subject to an administrative penalty as follows:~~

~~First violation. The penalty for the first violation is \$500.00. If the fine is not paid within 20 days the City may suspend the license issued to the licensee under this Chapter for a period not to exceed 10 days.~~

~~Second violation within 12 months. The penalty for the second violation is \$1000.00. If the fine is not paid within 20 days the City may suspend the license issued to the licensee under this Chapter for a period not to exceed 30 days.~~

~~Third violation within 12 months. The city may permanently revoke the license issued to the licensee under this Chapter.~~

~~3. Defense. It is a defense to the charge of selling intoxicating liquor, 3.2% malt liquor, beer or wine to a person under the age of twenty-one (21) years, that the licensee or individual, in making the sale, reasonably and in good faith relied upon representation of proof of age described in State Statute Section 340A.503, subdivision 6, paragraph (a).~~

~~4. Exemption. A person, no younger than 18 and no older than 20, may be enlisted to assist in the tests of compliance. The person shall at all times act only under the direct supervision of a law enforcement officer or an employee of the licensing department, or in conjunction with a compliance check effort that has been pre-approved by the Fridley Police department. A person who purchases or attempts to purchase intoxicating liquor, 3.2% malt liquor, beer or wine while in this capacity is exempt from the penalties imposed by subdivision A above.~~

~~606.17. REVOCATION~~

~~In addition to the provisions for revocation in Chapter 11 of this Code, any license granted hereunder may be revoked by the City Council for cause. Cause for revocation shall be violation by the licensee or its employees of any law of the State of Minnesota relating to intoxicating liquor or violation by the licensee or its employees of any provision or condition of this Chapter. Except as provided in Sections 606.07 and 606.08, before a license is revoked, the licensee shall be provided with written notice setting out the nature of the charges against the licensee and setting a time and place for hearing before the City Council not less than ten (10) days from the service of said notice. No portion of the license fee paid shall be returned upon revocation.~~

~~606.18. PENALTIES~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

~~FRIDLEY CITY CODE CHAPTER 607. ENTERTAINMENT LICENSE~~

~~607.01. ENTERTAINMENT DEFINED~~

~~Entertainment as herein used is defined to include, but not be limited to, music, singing, plays, dancing either by the public or performers, motion pictures, exposition, performance male or female reviews, fashion shows, TV other than regular public channels, concerts, or any other deliberate act intended to amuse or entertain patrons and/or employees.~~

~~607.02. ENTERTAINMENT LICENSE REQUIRED~~

~~1. No persons operating an establishment in the business of selling or permitting to be displayed or consumed an intoxicating liquor or non-intoxicating malt liquor shall permit any entertainment on the premises without having secured a license to permit such entertainment from the City Council.~~

~~2. Licenses issued pursuant to this Chapter are not transferable between persons. Such licenses may, however, be transferred to a new location under the same ownership upon approval by the City Council.~~

~~3. Entertainment licenses and fees shall be in addition to any licenses required for the establishment's operations. The annual license fee and expiration date shall be as provided in Chapter 11 of this Code.~~

~~607.03. RESTRICTIONS~~

~~Holders of an entertainment license shall be subject to all the regulations and restrictions contained in this Code and any violation may be grounds for the cancellation of said license if the City Council shall so determine.~~

~~607.04. ENTERTAINMENT PROHIBITIONS~~

~~It shall be unlawful and no entertainment license shall be held at any establishment in which any person is allowed to:~~

- ~~1. Remain in or upon the premises who exposes to public view any of his/her genitals or anus, except when the genitals or anus are covered with opaque clothing.~~
 - ~~2. Perform or simulate sexual acts, or make physical contact with another's sexual parts of the human body.~~
 - ~~3. Show films, or other visual reproduction depicting entertainment which if done by a person on the premises would be prohibited by this Chapter.~~
-
- ~~4. Expose to public view any portion of the female breast below the top of the areola except where the female breasts are covered with opaque material.~~

~~607.05. BONDS~~

- ~~1. Each application for an "on-sale", "off-sale" liquor license or on-sale" wine license shall be accompanied by a surety bond in the amount of \$3,000.00 running to the City of Fridley, or in lieu thereof, cash or United States Government bonds of equivalent market value, as provided in Minnesota Statutes, Section 340.12. The bond shall be in effect for the period covered by the license.~~
- ~~2. The bond's conditions are as follows:~~
 - ~~A. The licensee will obey the laws relating to the licensed business.~~
 - ~~B. The licensee will pay to the City, when due, all taxes, licenses, penalties, and other charges.~~
 - ~~C. In the event of any violation of any liquor laws, the bond shall be forfeited to the City, as obligee.~~
- ~~3. Bonds for "on-sale" licenses shall be filed with the City Clerk and approved by the City Council. Bonds for "off-sale" licenses and lion-sale" wine licenses shall be filed with the City Clerk and approved by the City Council and the Commissioner of Public Safety.~~

~~4. All bonds shall be for the benefit of the City, as obligee, and all persons suffering damages by reason of the violation of the conditions of 607.05.2. Upon forfeiture of the bond for violation of the law the District Court of Anoka County may forfeit the bond's penal sum or any part thereof to the City.~~

~~5. Operation of a licensed business without having on file at all times with the City of Fridley effective security as required above shall be grounds for immediate revocation of the license. (Ref. 810)~~

~~607.06. LIABILITY INSURANCE~~

~~1. Every person licensed to sell at retail intoxicating liquor or non-intoxicating malt liquor at on-sale or off-sale or on-sale wine shall, after August 1, 1983, demonstrate proof of financial responsibility with regard to liability imposed by Minnesota Statutes, Section 340.95, to the City Clerk as a condition of the issuance or renewal of his or her license. Proof of financial responsibility may be given by filing:~~

~~A. A certificate that there is in effect for the period covered by the license an insurance policy or pool providing the following minimum coverages:~~

~~(1) \$50,000 because of bodily injury to any one person in any one occurrence and, subject to the limit for one person, in the amount of \$100,000 because of bodily injury to two or more persons in any one occurrence, and in the amount of \$10,000 because of injury to or destruction of property of others in any one occurrence.~~

~~(2) \$50,000 for loss of means of support of any one person in any one occurrence, and, subject to the limit for one person, \$100,000 for loss of means of support of two or more persons in one occurrence; or~~

~~B. A bond of a surety company with minimum coverages as provided in clause (A) above, or~~

~~C. A certificate of the State Treasurer that the licensee has deposited with the State Treasurer~~

~~\$100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of \$100,000.~~

~~2. A liability insurance policy required by Section 607.06.1 shall provide that it may not be canceled for any cause, either by the insured or the insurance company without first giving ten (10) days notice to the City of Fridley in writing of the intention to cancel it, addressed to the City Clerk of the City of Fridley.~~

~~3. A liability insurance policy required by Section 607.06.1 shall provide that the insurance company agrees to contact the City of Fridley in writing and addressed to the City Clerk of the City of Fridley, within ten (10) days of any claim made against the policy.~~

~~4. A liability insurance policy required by Section 607.06.1 that contains annual aggregate limits of liability shall require the insured to buy additional coverage after any claim is made that reduces the coverage under the policy below the requirements of Section 607.06.1.~~

~~5. The operation of a retail intoxicating or non-intoxicating malt liquor business at on-sale or off-sale or on-sale wine, without having on file at all times with the City of Fridley the liability insurance policy or other evidence of financial responsibility required under Section 607.06.1 shall be grounds for immediate revocation of the license. Notice of cancellation of a current liquor liability policy serves as notice to the licensee of the impending revocation and unless evidence of compliance with the financial responsibility requirements of Section 607.06.1 is presented to the City Clerk before the termination is effective, the license will be revoked instantly upon the lapse.~~

~~6. The City Clerk shall submit the provided proof of financial responsibility to the Commissioner of Public Safety.~~

~~607.07. PENALTIES~~

- ~~1. Every person who produces, promotes, prepares, solicits, manages, directs or participates in any entertainment contrary to the provisions of this Chapter shall be guilty of a misdemeanor and subject to all penalties provided for such violation under the provisions of Chapter 901 of this Code.~~
- ~~2. Violation of this Chapter shall be grounds for revocation or suspension of any and all licenses held on such premises.~~

~~FRIDLEY CITY CODE~~

~~CHAPTER 609. LIQUOR CATERERS REGISTRATION AND EVENT NOTIFICATION~~

~~609.01. DEFINITIONS.~~

~~The following definitions shall apply in the interpretation and application of this Chapter. The following words and terms, wherever they occur in this Chapter, are defined as follows:~~

- ~~1. Liquor Caterer. A brewpub or restaurant that holds both an on-sale intoxicating liquor license issued by any Minnesota municipality and a caterer's permit issued by the State of Minnesota that serves prepared meals and alcohol at an event at a site other than the premises for which the holder's on-sale intoxicating liquor license is issued.~~
- ~~2. Liquor Catered Event. A private social gathering whereby a public or private party contracts with a Caterer to provide food and alcohol in the City at a site other than the premises for which the on-sale intoxicating liquor license is issued.~~
- ~~3. Event Center. An event center is an establishment that leases or rents space to public or private organizations or parties who contracts, or allows parties to contract, with a licensed liquor caterer licensed by the State to provide food and alcohol in the City at a site other than the premises for which the on-sale intoxicating liquor license is issued.~~

~~609.02. LIQUOR CATERER REGISTRATION.~~

~~The holder of a state caterer's permit issued under the provision of Minnesota Statutes Section 340A.404, Subd. 12, shall register to operate under said caterer's permit in the City using a form provided by the city clerk. The form may contain the business name, address, phone, e-mail address, contact name and other information deemed necessary by the city clerk or public safety director. A caterer's registration must be approved by the public safety director, or designee. A liquor caterer shall be hereinafter referred to as "caterer".~~

~~The registration under this section shall expire on April 30th of each year.~~

~~609.03. CONDITIONS OF REGISTERED LIQUOR CATERER.~~

~~Events that are catered in the City in accordance with Minnesota Statutes 340A.404, Subd. 12, and this chapter of the City code shall comply with the following conditions:~~

- ~~1. A caterer shall keep a record of each event they provide services for in the City. The record shall contain:~~
 - ~~A. the contract;~~
 - ~~B. information about each event as required by the event notification; and~~
 - ~~C. the gross amount of food and liquor sales showing that the sale of intoxicating liquor was incidental to the sale of food.~~

~~The records shall be made available to authorized city staff upon request.~~

- ~~2. A caterer shall staff the event with at least one employee from the original licensed establishment.~~
- ~~3. All servers of alcohol at a catered event shall be at least eighteen (18) years of age and employees of the licensed establishment.~~
- ~~4. A caterer shall complete an "Event Notification Permit" at least ten (10) business days before the event.~~
- ~~5. No sale of alcoholic beverages is permitted after 1:00 a.m.~~
- ~~6. The property owner shall give consent to a caterer to submit to and facilitate any site inspections by police, fire or the regulatory agency for the enforcement of the registration or the event.~~
- ~~7. Both state license and city registration permit must be available for display upon request of any law enforcement officer or investigator.~~
- ~~8. If an event is to be held outside, the applicant shall define the premises to which the alcohol will be confined to a particular area.~~
- ~~9. The caterer shall maintain adequate security for all its catered events in the City. The caterer may coordinate security with the host facility.~~
- ~~10. Holders of a caterers permit licensed under this Chapter shall comply with all provisions of the Minnesota Statutes, ordinances and rules governing the retail sales of alcoholic beverages.~~

~~609.04. EVENT NOTIFICATION PERMIT.~~

- ~~1. A registered caterer shall submit an event notification permit for each event at least ten (10) business days prior to the event. Each event permit must be approved by the public safety director or designee.~~
- ~~2. The event notification permit form may contain information deemed necessary by the city clerk or public safety director including but not limited to the following:~~
 - ~~A. The name of the event;~~
 - ~~B. The location of the event;~~
 - ~~C. The time and date of the event; The event contact name and phone number;~~
 - ~~D. The estimated number of guests;~~
 - ~~E. The type of liquor to be served; and~~
 - ~~F. The estimated gross food to liquor sales.~~
- ~~3. No single location in the City shall have a single catered event lasting more than three (3) consecutive days, unless the permit is issued in connection with a civic event or community festival.~~
- ~~4. The Director of Public Safety or designee may terminate any permitted catered event that disturbs the peace, quiet or repose of surrounding residential or commercial areas or that results in disorderly behavior, noise, traffic, litter or parking problems at the event's location or in the area near the event's location.~~

~~609.05. FEES.~~

~~The annual fee for the caterer registration and event notification permit shall be listed in Section 11.10 of this Code.~~

~~609.06. DENIAL, SUSPENSION OR REVOCATION OF REGISTRATION.~~

~~A caterer's application for registration may be denied or a caterer's registration may be suspended or revoked without a refund for any of the following reasons:~~

- ~~1. Any violations of the provisions set forth in this chapter of the City Code or Minnesota Statutes Chapter 340A by the registrant, its employees, agents or servants. Such violations occurring on the premises being catered shall be just cause and subject them to civil, criminal or administrative action.~~
- ~~2. The operation of an event has unreasonably disturbed the peace, quiet or repose of surrounding residential or commercial areas.~~

- ~~3. The operation of an event has contributed to crime, disorderly behavior, noise, traffic, litter or parking problems in the area near the event's location.~~
- ~~4. Registrant's refusal to supply its records, books of account, and contract pertaining to an catered event set forth in this section.~~
- ~~5. Failure to maintain adequate security for its catered event in the City.~~
- ~~6. Failure to register as a caterer with the City or provide information on a catered event.~~
- ~~7. Any other good cause related to the operation of the business or venue.~~

~~609.07. ADMINISTRATIVE OFFENSES.~~

~~1. Administrative Civil Penalties: Administrative offense procedures established pursuant to this chapter are intended to provide the public and the City with an informal, cost effective, and practical alternative to traditional criminal charges for violations of this ordinance. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses.~~

~~2. Every caterer shall be responsible for the conduct of its employees while off-site of their licensed premises and any sale or other disposition of any intoxicating liquor, 3.2% malt liquor, beer or wine by an employee to any person under twenty-one (21) years of age shall be considered an act of the caterer for purposes of imposing an administrative penalty, license suspension, or revocation.~~

~~C. Individual. At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which event the City may bring criminal charges in accordance with law. Likewise, the City, at its discretion, may bring criminal charges in the first instance. In the event an individual participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.~~

~~D. Caterer. At any time prior to the payment of the administrative penalty as is provided for hereafter, the caterer may withdraw from participation in the procedures in which event the City may permanently revoke the registration issued to the caterer under this Chapter in accordance with law. Likewise, the City, in its discretion, may revoke the registration issued to the caterer under this Chapter in the first instance. In the event a caterer participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will suspend the registration issued to the caterer under this Chapter in accordance with section 603.26.B of this ordinance.~~

3. ~~Notice. Any officer of the City's police department shall, upon determining there has been a violation, notify the violator of the violation. Said notice shall set forth the nature, date and time of violation, the name of the officer issuing the notice and the amount of the scheduled penalty. In addition, said notice of violation shall be sent to the municipality who issued the liquor license to the caterer.~~

4. ~~Payment. Once such notice is given, the alleged violator may, within twenty (20) days of the time of issuance of the notice, pay the amount set forth on the notice, or may request a hearing in writing, as provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.~~

5. ~~Hearing. Any person contesting an administrative offense pursuant to this Chapter may request a hearing before the hearing examiner. Such request shall be filed in writing with the office of the public safety director within twenty (20) days of the offense. The public safety director shall notify the hearing examiner, who will notify the person contesting and the licensee of the date, time, and place of hearing. The hearing shall be conducted no more than twenty (20) days after the hearing examiner receives notice of the request, unless a later date is mutually agreed to by the hearing examiner, the caterer, the person contesting and the City. Within ten (10) days after such hearing, the hearing examiner shall affirm, repeal, or modify the charge against the caterer or the person contesting. Any person aggrieved by the decision of the hearing examiner may appeal with the public safety director within twenty (20) days of receiving notice of the hearing examiner's decision. At its next available regular meeting following the filing of a notice of appeal, the Council shall review the decision and findings of fact of the hearing examiner and shall affirm, repeal or modify that decision.~~

6. ~~Hearing Examiner. The position of hearing examiner is hereby created. At the discretion of the city manager and with the approval of the Council, may contract with third parties for the furnishing of all services of the hearing examiner as contained in this Section and set the rate of compensation therefore.~~

7. ~~Qualifications. The hearing examiner shall be an individual trained in law; however, it shall not be required that the hearing examiner be currently licensed to practice law in the State of Minnesota.~~

8. ~~Duties: The hearing examiner shall have the following duties:~~

~~E. Set dates and hear all contested cases.~~

~~F. Take testimony from all interested parties.~~

~~G. Make a complete record of all proceedings including findings of fact and conclusions of law.~~

~~H. Affirm, repeal or modify the penalty assessed.~~

~~9. Failure to Pay. In the event an individual employed by the caterer charged with an administrative penalty fails to pay the penalty, the individual will be charged with the criminal offense. If a caterer fails to pay the penalty, the Council will suspend the registration issued to the caterer under this Chapter.~~

~~10. Disposition of Penalties. All penalties collected pursuant to this Chapter shall be paid to the City's treasurer and will be deposited in the City's general fund.~~

~~609.08. VIOLATIONS.~~

~~1. Administrative Civil Penalties: Individuals. Any person in the employ of a licensee who sells any intoxicating liquor, 3.2% malt liquor, beer or wine to a person under the age of twenty-one (21) years is subject to an administrative penalty; and any person under the age of twenty-one (21) years who attempts to purchase any intoxicating liquor, 3.2% malt liquor, beer or wine from a licensee is subject to an administrative penalty. The administrative penalties are as follows:~~

~~First violation. The penalty for the first violation is \$250.00.~~

~~Second violation within 12 months. The penalty for the second violation is \$500.00.~~

~~Third violation within 12 months. The penalty for the third violation is \$750.00.~~

~~2. Administrative Civil Penalties; Caterer. If a caterer or an employee of a caterer is found to have sold any intoxicating liquor, 3.2% malt liquor, beer or wine to a person under the age of twenty-one (21) years, the caterer shall be subject to an administrative penalty as follows:~~

~~First violation. The penalty for the first violation is \$500.00. If the fine is not paid within 20 days the City may suspend the registration issued to the caterer under this Chapter for a period not to exceed 10 days~~

~~Second violation within 12 months. The penalty for the second violation is \$1000.00. If the fine is not paid within 20 days the City may suspend the registration issued to the caterer under this Chapter for a period not to exceed 30 days.~~

~~Third violation within 12 months. The city may permanently revoke the registration issued to the caterer under this Chapter.~~

~~3. Defense. It is a defense to the charge of selling intoxicating liquor, 3.2% malt liquor, beer or wine to a person under the age of twenty-one (21) years, that the licensee or individual, in making the sale, reasonably and in good faith relied upon representation of proof of age described in State Statute Section 340A.503. Subd. 6, paragraph (a).~~

~~4. Exemption. A person, no younger than 18 and no older than 20, may be enlisted to assist in the tests of compliance. The person shall at all times act only under the direct supervision of a law enforcement officer or an employee of the licensing department, or in conjunction with a compliance check effort that has been pre-approved by the Fridley Police department. A person who purchases or attempts to purchase intoxicating liquor, 3.2% malt liquor, beer or wine while in this capacity is exempt from the penalties imposed by subdivision A above.~~

~~5. Revocation. The City Council has the authority to revoke any registration as noted in Section 11.09 of this Code.~~

~~609.9. PENALTIES.~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violation under the provisions of Chapter 901 of this Code.~~

~~FRIDLEY CITY CODE CHAPTER 610. LIQUOR MANUFACTURERS~~

~~610.01. STATE LAW ADOPTED~~

~~The provisions of Minnesota Statutes Chapter 340A, commonly known as the Liquor Act, are adopted and made part of this Chapter as if set out in full. Whenever there is an inconsistency between the provisions of Minnesota Statutes Chapter 340A and the provisions of this Chapter, the more restrictive provision shall govern, where allowed by State law.~~

~~610.02. DEFINITIONS~~

~~The following definitions shall apply in the interpretation and application of this Chapter and the following words and terms, wherever they occur in this Chapter, are defined as follows:~~

- ~~1. Brew Pub. A "brew pub" is a brewer who holds a municipal retail on or off-sale license in conjunction with a restaurant and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one or more licensed premises as permitted in Minnesota Statutes 340A.24.~~
- ~~2. Brewer. A "brewer" is a person who manufactures malt liquor for sale and holds a Brewers License issued by the State of Minnesota.~~
- ~~3. Brewer Taproom. "Brewer taproom" is a facility on or adjacent to the licensed brewery which allows for the on or off-sale of malt liquor produced by the brewer.~~
- ~~4. Commissioner. "Commissioner" is the Commissioner of the Minnesota Department of Public Safety.~~
- ~~5. Distilled Spirits. "Distilled spirits" is ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use.~~
- ~~6. 3.2% Malt Liquor. "3.2% malt liquor" is malt liquor containing not less than one-half of one percent alcohol by volume and no more than 3.2 percent alcohol by weight.~~

- ~~7. Malt Liquor. "Malt liquor" is any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.~~
- ~~8. Manufacturer. "Manufacturer" is a person who, by a process of manufacture, fermenting, brewing distilling, refining, rectifying, blending or by the combination of different materials prepares or produces intoxicating liquor for sale.~~
- ~~9. Microdistillery. "Microdistillery" is a distillery operated within the state producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year.~~
- ~~10. Microdistillery Cocktail Room. "Microdistillery cocktail room" is a facility on or adjacent to the licensed distillery which allows for the on or off sale of distilled liquor produced by the distiller.~~
- ~~11. Off-sale. "Off-sale" is the sale of alcoholic beverages manufactured on site in original packages for consumption off the licensed premises only.~~
- ~~12. On-sale. "On-sale" is the retail sale of alcoholic beverages manufactured on site for consumption on the licensed premises.~~
- ~~13. Original Package. "Original Package" is a container or receptacle holding alcoholic beverages which is sealed, capped or corked by a manufacturer on the licensed premises.~~

~~610.03. LIQUOR MANUFACTURER LICENSE~~

~~No manufacturer may directly or indirectly manufacture malt liquor or intoxicating liquor without first obtaining zoning approval from the City. After the manufacturer has obtained approval from the City, they must then obtain the appropriate state and federal licenses or permits to operate as a manufacturer as defined in Minnesota Statutes Section 340A.301.~~

~~No manufacturer, to the extent authorized under Minnesota state law, shall directly or indirectly operate a brewer taproom or microdistillery cocktail room without having obtained a City license to do so as provided for in this Chapter.~~

~~No single entity may hold both a microdistillery cocktail room and brewer taproom license.~~

~~A microdistillery cocktail room and brewer taproom may not be co-located within a single entity.~~

~~The following licenses shall be issued by the City to manufacturers:~~

~~1. Brewery Retail Liquor License.~~

~~A brewer licensed under Minnesota Statute 340A.301 may be issued an on-sale brewer taproom license, a small brewer off-sale license, or a brew pub off-sale license for the sale of malt liquor~~

~~produced and packaged on the licensed premises which may also be sold to other bars, restaurants and off-sale liquor stores if permitted by State law and issued a license by the State.~~

~~A. Brewer Taproom on-sale license:~~

- ~~(1) A brewer taproom On-sale License authorizing the on-sale of malt liquor produced by the brewer for consumption on the premises or adjacent to one brewery location owned by the brewer may be approved by the City Council under Minnesota Statute Section 340A.26.~~
- ~~(2) A brewer may only have one brewer taproom license for malt liquor produced by the brewer and may not have an ownership interest in a brew pub.~~
- ~~(3) A brewer tap room license may not be issued to a brewer if the brewer seeking the license, or any person having an economic interest in the brewer seeking the license or exercising control over the brewer seeking the license, is a brewer that brews more than 250,000 barrels of malt liquor annually.~~
- ~~(4) Once the brewer taproom license is approved by the City Council, the city clerk shall, within ten days of the issuance of the license, inform the Commissioner of the licensee's name, address, trade name and effective date and expiration date of the license. The City shall also inform the Commissioner of a license cancellation, suspension or revocation during the license period.~~
- ~~(5) The brewer taproom on-sale of malt liquor produced by the brewer shall be limited to the legal hours for on-sale malt liquor in the City. No sale of malt liquor on-sale shall be made:~~
 - ~~(a) between the hours of 1:00 am and 8:00 a.m. on the days of Monday through Saturday, nor between 1:00 am and 8:00 a.m. on Sunday.~~
 - ~~(b) between the hours of 8:00 p.m. December 24th and 8:00 a.m. on December 26th without the Holiday Endorsement as defined in Section 602.09 and 603.11 of the City Code.~~
 - ~~(c) Between the hours of 1 am and 2 am on the days of Monday through Sunday without the Late Night Endorsement as defined in Section 602.09 and 603.11 of the City Code.~~
- ~~(6) The sale of malt liquor produced by the brewer shall be limited to the brewer taproom and may not be taken outdoors unless a Patio Endorsement, defined in Section 610.14 of this Code, has been obtained.~~

~~B. Small Brewer Off-Sale License~~

- ~~(1) A Small Brewer Off-Sale License authorizing the sale of malt liquor produced and packaged by the brewer for consumption off the premises may be approved by the City Council.~~
- ~~(2) A brewer may only have one small brewer license for malt liquor produced and packaged by the brewer.~~
- ~~(3) The amount of malt liquor produced and packed by the brewer and sold off-sale may not exceed 500 barrels annually.~~
- ~~(4) The malt liquor produced and packaged by the brewer and sold off-sale must be removed from the premises before the applicable off-sale closing time in the City.~~
- ~~(5) The packaging of malt liquor produced by the brewer for off-sale must comply with Minnesota Statute Section 340A.285.~~
- ~~(6) A license may not be issued to a small brewer if the brewer seeking the license, or any person having an economic interest in the brewer seeking the license or exercising control over the brewer seeking the license, is a brewer that brews more than 20,000 barrels of its own brands of malt liquor annually.~~
- ~~(7) Once the license is approved by the City Council, the city clerk shall, within ten days of the issuance of the license, inform the Commissioner of the licensee's name, address, trade name and effective date and expiration date of the license. The City shall also inform the Commissioner of a license cancellation, suspension or revocation during the license period.~~
- ~~(8) The off-sale of malt liquor produced and packaged by the brewer shall be limited to the legal hours for off-sale malt liquor in the City. No sale of malt liquor off-sale, except as allowed in Minnesota Statute Section 240A.28, shall be made:~~
 - ~~(a) between the hours of 10:00 pm and 8:00 a.m. on the days of Monday through Sunday.~~
 - ~~(b) between the hours of 8:00 p.m. December 24th and 8:00 a.m. on December 26th without a Holiday Endorsement as defined in Section 602.09 and 603.11 of the City Code.~~

~~C. Brew Pub Off-Sale License~~

- ~~(1) A brew pub that holds an on-sale license issued under Fridley City Code Section 603.02 may hold a license for the off-sale of malt liquor produced and packaged on the brew pubs licensed premises if approved by the City Council.~~

- ~~(2) The malt liquor produced and packaged by the brewer and sold off-sale by the brew pub must not be consumed onsite and must be removed from the premises before the applicable off-sale closing time in the City.~~
- ~~(3) The packaging of malt liquor produced by the brewer on the licensed premises for off-sale by the brew pub must comply with Minnesota Statute Section 340A.285.~~
- ~~(4) A brew pub's total retail sales at on- or off-sale under this section may not exceed 3,500 barrels annually, provided off-sales may not total more than 500 barrels annually.~~
- ~~(5) A brew pub licensed under this section to sell malt liquor off-sale may not be licensed as an importer under Minnesota Statutes Section 340A.302.~~
- ~~(6) Once the brew pub off-sale license is approved by the City Council, the city clerk shall, within ten days of the issuance of the license, inform the Commissioner of the licensee's name, address, trade name and effective date and expiration date of the license. The City shall also inform the Commissioner of a license cancellation, suspension or revocation during the license period.~~
- ~~(7) The off-sale of malt liquor produced and packaged on the brew pub's licensed premise shall be limited to the legal hours for off-sale malt liquor at exclusive liquor stores within the City. No sale of malt liquor off-sale, except as allowed in Minnesota Statute Section 340A.24, shall be made:

 - ~~(a) between the hours of 10:00 pm and 8:00 a.m. on the days of Monday through Sunday.~~
 - ~~(b) between the hours of 8:00 p.m. December 24th and 8:00 a.m. on December 26th without a Holiday Endorsement as defined in Section 602.09 and 603.11 of the City Code.~~~~

~~2. Microdistillery Retail License~~

~~A microdistillery licensed under Minnesota Statute Section 340A.301 may be issued an on-sale cocktail room license and an off-sale license for the sale of intoxicating liquor produced and packaged on the licensed premises. The intoxicating liquor produced and packaged on the licensed premises may also be sold to other bars, restaurants and off-sale liquor stores if permitted by State law and issued a license by the Commissioner.~~

~~A. On-Sale Microdistillery Cocktail Room License~~

- ~~(1) A microdistillery cocktail room license authorizing the on-sale of intoxicating liquor produced by the microdistillery for consumption on the premises or adjacent to one distillery location owned by the distiller may be approved by the City Council under Minnesota Statute Section 340A.26.~~

- ~~(2) A microdistillery may only have one microdistillery cocktail room license and may not have an ownership interest in a distillery licensed under Minnesota Statute Section 340A.301.~~
- ~~(3) No license may be issued if the microdistiller seeking the microdistillery cocktail room license or exercising control over the microdistillery seeking the license is a microdistiller that produces more than 40,000 proof gallons of premium, distilled spirits annually.~~
- ~~(4) Once the microdistillery cocktail room license is approved by the City Council, the city clerk shall, within ten days of the issuance of the license, inform the commissioner of the licensee's name, address, trade name and effective date and expiration date of the license. The city clerk shall also inform the state of a license cancellation, suspension or revocation during the license period.~~
- ~~(5) The on-sale of intoxicating liquor produced and packaged by the microdistillery for consumption on the licensed premises shall be limited to the legal hours for on-sale intoxicating liquor in the City. No on-sale of intoxicating liquor shall be made:~~
 - ~~(a) between the hours of 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday;~~
 - ~~(b) after 1:00 a.m. on Sundays unless the licensee is considered a restaurant with a seating capacity for at least 30 persons and which holds a Sunday on-sale license authorizing them to sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 8:00 a.m. on Sundays and 1:00 a.m. on Mondays;~~
 - ~~(c) between the hours of 8:00 p.m. December 24th and 8:00 a.m. on December 26th without a Holiday Endorsement as defined in Section 603.11 of the City Code.~~
 - ~~(d) Notwithstanding the foregoing, the sale of intoxicating liquor for consumption may occur on a licensed premise between the hours of 1:00 a.m. and 2:00 a.m. if the licensee has been granted by the city a Late Night License Endorsement for that license as defined in Section 603.11 of the City Code.~~
- ~~(6) The on-sale of intoxicating liquor produced by the microdistillery shall be limited to the microdistillery cocktail room and may not be taken outdoors unless a Patio Endorsement, defined in Section 610.14 of this Code, has been obtained.~~

~~B. Microdistillery Off-Sale License~~

- ~~(1) A microdistillery off-sale license authorizing the sale of intoxicating liquor produced and packaged by the distiller for consumption off the premises may be approved by the City Council.~~

- ~~(2) A distiller may only have one microdistillery license for intoxicating liquor produced and packaged by the distiller.~~
- ~~(3) The intoxicating liquor produced and packaged by the distiller and sold off-sale must be removed from the premises before the applicable off-sale closing time in the City.~~
- ~~(4) The license may allow the sale of one 375 milliliter bottle per customer per day of product manufactured on-site. No brand may be sold at the microdistillery unless it is also available for distribution by wholesalers.~~
- ~~(5) Once the microdistillery off-sale license is approved by the City Council, the city clerk shall, within ten days of the issuance of the license, inform the Commissioner of the licensee's name, address, trade name and effective date and expiration date of the license. The City shall also inform the Commissioner of a license cancellation, suspension or revocation during the license period.~~
- ~~(6) The microdistillery may not sell intoxicating liquor off-sale:

 - ~~(a) on Sundays;~~
 - ~~(b) before 8:00 am or after 10 pm on Monday through Saturday~~
 - ~~(c) on Thanksgiving Day~~
 - ~~(d) after 8 pm on Christmas Eve, December 24; or~~
 - ~~(e) on Christmas Day, December 25;~~~~

~~610.04. APPLICATION~~

~~Every application for a license from a manufacturer to sell malt liquor or intoxicating liquor off- or on-sale shall be filed with the City Clerk. In addition to the information which may be required by the Commissioner, the application shall contain the following information:~~

- ~~1. Whether the applicant is a person, corporation, partnership, or other form of organization.~~
- ~~2. The type of license the applicant seeks.~~
- ~~3. Individual Information:
 - ~~A. True name, place and date of birth, and home address.~~
 - ~~B. Whether the applicant has ever used, or been known by, a name other than the applicant's true name and, if so, what was such name(s) or aliases, and the information concerning dates and places where used.~~
 - ~~C. The name of the business if it is to be conducted under a designation other than the full individual name of the applicant. If it is a different designation, a copy of the certification,~~~~

~~as required by Minnesota Statutes Chapter 333, certified by the Secretary of State, shall be attached to the application.~~

~~D. Whether the applicant is married or single. If married, true name, place and date of birth, and home address of applicant's present spouse.~~

~~E. Whether applicant and present spouse are registered voters and, if so, where.~~

~~F. Home addresses at which applicant and present spouse have lived during the preceding ten (10) years.~~

~~G. Kind, name and location of every business, or occupation, applicant or present spouse have been engaged in during the preceding ten (10) years.~~

~~H. Names and addresses of applicants and spouse's employers and partners, if any, for the preceding ten (10) years.~~

~~I. Whether applicant or spouse, or a parent, brother, sister, or child of either of them has ever been convicted of any felony, crime or violation of any ordinance, other than traffic. If so, the applicant shall furnish information as to the time, place and offense for which convictions were had and to whom.~~

~~J. Whether applicant or spouse, or a parent, brother, sister, or child of either of them is or has ever been engaged as an employee or in owning and operating a hotel, restaurant, cafe, tavern or other business of a similar nature. If so, applicant shall furnish information as to the date, place and length of time.~~

~~K. Whether applicant has ever been in military service. Applicant shall specify the date and type of discharge.~~

~~4. Partnership Information:~~

~~A. The names and home addresses of all partners.~~

~~B. All information concerning each partner as is required of a single applicant in Section 610.04.3 above.~~

~~C. A managing partner, or partners, shall be designated.~~

~~D. The interest of each partner in the business shall be disclosed.~~

~~E. A true copy of the partnership agreement shall be submitted with the application.~~

~~F. If the partnership is required to file a certificate as to a trade name under the provisions of Chapter 333, Minnesota Statutes, a copy of such certificate certified by the Secretary of State shall be attached to the application.~~

~~5. Corporation or Other Organization Information:~~

~~A. Name of corporation and trade name.~~

~~B. If incorporated, date and state of incorporation.~~

~~C. A true copy of:~~

~~(1) the Corporation's Certificate of Incorporation;~~

~~(2) Articles of Incorporation or Association Agreement;~~

~~(3) By-laws; and~~

~~(4) If a foreign corporation, a Certificate of Authority as described in Minnesota Statutes Chapter 303.~~

~~D. The name of the manager or proprietor or other agent in charge of the premises to be licensed along with all of the information about said individual as is required of a single applicant in Section 610.04.3 above.~~

~~E. Notwithstanding the definition of interest as given in Section 610.04, the application shall contain a list of all persons who, singly or together with their spouse, or a parent, brother, sister or child or either of them, own or control an interest in said corporation or association in excess of 5% or who are officers of said corporation or association, together with their addresses and all information as is required of a single applicant in Section 610.04.3 above.~~

~~6. The street address where the sale of malt liquor or intoxicating liquors is to be conducted and a floor plan of the room where liquor is to be sold or consumed showing the seating area and the number of persons intended to be seated in the room.~~

~~7. A copy of the state and federal permits showing in what name the permit was issued and the nature of the permit.~~

~~8. The amount of the investment that the applicant has in the business, building, premises, fixtures, furniture, stock in trade, etc., and proof of the source of such money.~~

~~9. The names and addresses of all persons, other than the applicant, who have any financial interest in:~~

~~(a) the business; the buildings; premises; fixtures; and furniture;~~

~~(b) stock in trade and the nature of such interest;~~

~~(c) the amount of financial interest thereof; and~~

~~(d) the terms for payment or other reimbursement.~~

~~This shall include, but not be limited to, any lessees, lessors, mortgagees, lenders, lienholders, trustees, trustors, and persons who have co-signed notes or otherwise loaned, pledged, or extended security for any indebtedness of the applicant.~~

~~10. The names, residences and business addresses of three (3) persons of good moral character, not related to the applicant or financially interested in the premises or business, who may be referred to as to the applicant's character or, in the case where information is required of a manager, the manager's character.~~

~~11. Documentation showing all real estate, special assessments, utility payments, and personal property taxes for the premises to be licensed which are due and payable have been paid.~~

~~610.05. EXECUTION OF APPLICATION~~

- ~~1. If the application is from an individual, it shall be signed and sworn to by such individual.~~
- ~~2. If the applicant is from a corporation, it shall be signed and sworn to by an officer of that corporation.~~
- ~~3. If the application is from a partnership, the application shall be signed and sworn to by one of the partners thereof. The application, license and insurance policy shall be made and issued in the name of all partners.~~
- ~~4. If the application is from an unincorporated association, the application shall be signed and sworn to by the manager or managing officer thereof.~~

~~610.06. MANAGERIAL LICENSE~~

~~1. No person shall work as a manager of a premises licensed under this Chapter, and no licensee shall permit any such person to be so employed, unless such person, within seven (7) days after first being so employed, shall apply for a license to engage in such business. No persons may be so employed for any length of time if their license is denied or revoked.~~

~~2. An application for such license shall be filed with the City Clerk upon forms provided by the City and such application shall be verified under oath and shall contain the following information:~~

- ~~A. The names and addresses of two (2) residents who have known the applicant for a period of two (2) years and who will vouch for the sobriety, honesty, and general good character of the applicant.~~
- ~~B. A concise history of the applicant's previous employment.~~

~~C. The record, if any, of arrests and of convictions for crimes and misdemeanors other than traffic offenses.~~

~~3. The annual license fee and expiration date shall be provided in Chapter 11 of this Code. Application for renewal of an existing license shall be made at least 15 days prior to the date of the expiration of the license on such form as the City Council may approve.~~

~~4. The application shall be referred to the Police Department which shall investigate the facts set forth in the application and make a written report thereon at the earliest practicable time. If the Police Department recommends that such person be licensed, the City Clerk shall issue the license forthwith. If the Police Department makes a recommendation that the license not be issued, the applicant, upon request, shall be entitled to a hearing before the City Council and may offer evidence to prove the license should be issued.~~

~~5. No persons shall be issued a license if it appears that they had committed an act which is a willful violation of Minnesota Statutes Chapter 340A.~~

~~6. Any license issued hereunder may be revoked for any violation of this Chapter or of Minnesota Statutes Chapter 340A or for conviction of any crime or misdemeanor involving moral turpitude.~~

~~610.07. GRANTING OF LICENSES~~

~~1. Initial Licenses~~

~~A. Upon receipt of a completed application and fee, the city clerk shall forward the application to the public safety director, or designee, for verification and investigation of the facts set forth in the application. The public safety director or designee shall complete such investigation and make a written recommendation and report to the city clerk. The report shall include a list of all violations of any federal, state or municipal law.~~

~~B. After receipt of the written report, the city clerk shall forward the application to the fire department and building inspections department for their review and comment.~~

~~C. Within twenty (20) days after the receipt of the public safety director's written report, the city clerk shall cause to be published a Notice of Public Hearing regarding the license application in the official newspaper at least ten (10) days in advance of the public hearing. The Notice shall include the date, time and place of the public hearing, the name of the applicant, the address of the premises to be licensed, and the nature of the business. The city clerk shall prepare a written report to the city council for the public hearing which shall include the director's report and any comments the fire and building inspections departments may have.~~

~~D. At the time of the public hearing, opportunity shall be given to any person to be heard for or against the granting of the license. If additional information is required, the city council~~

~~may continue the public hearing as it may deem advisable, within a reasonable amount of time. The city council may thereafter grant or deny the application in its discretion.~~

- ~~E. The city clerk shall, within ten (10) days after the issuance of any license under this Chapter, submit the required documentation to the Commissioner. The city clerk shall also submit to the Commissioner any change of address, cancellation or revocation of any license by the City Council during the license period.~~
- ~~F. Each license is issued to the applicant at the premises described in the application. No license may be transferred to another person, partnership, or corporation, or to any other location.~~
- ~~G. Where a license is granted to a premise where the building is under construction or otherwise not ready for occupancy, the city clerk shall not issue the license until a Certificate of Occupancy has been issued. The building inspection department shall notify the city clerk that the Certificate of Occupancy has been issued and the building is ready for occupancy.~~

~~2. Renewal Licenses~~

- ~~A. Applications for the renewal of an existing malt liquor or intoxicating liquor license shall be made at least 60 days prior to the date of the expiration of the license and shall be made in an abbreviated form. If, in the judgment of the city council, good and sufficient cause is shown by an applicant for their failure to file for a renewal within the time provided, the city council may, if the other provisions of this Chapter are complied with, grant the application. A review shall be made of all facts set out in the application. The city council shall grant or refuse the application at its discretion.~~
- ~~B. Each license holder shall be given written notice, by mail, at least ten (10) days but not more than thirty (30) days before the city council acts upon their license renewal. This notice shall be in a form as designated by the city clerk and shall specify the date and time when the renewal application will be considered by the city council. The license holder shall be permitted an opportunity to address the city council on its license renewal application.~~

~~610.08. LICENSE FEES:~~

- ~~1. Fees. The annual license fees and initial investigation fee shall be as provided in Chapter 11 of this Code.~~
- ~~2. Payment Required. All fees shall be paid in full at the time of the application. Upon denial or rejection of any application for a license, the license fee shall be refunded in full for the amount paid, with the exception of the investigative fee.~~

- ~~3. Expiration; Pro Rata Fees. Every license shall expire on the last day of April of each year. Each license shall be issued for a period of one (1) year, except that if a portion of the license year has elapsed when the license is granted, the license shall be issued for the remainder of the year at a pro rata fee. In computing such fee, any unexpired fraction of a month shall be counted as one (1) month.~~
- ~~4. When the license is for premises where the building is not ready for occupancy, the time fixed for computation of the license fee for the initial license period shall be ninety (90) days after approval of the license by the City Council or upon the date the building is ready for occupancy, whichever is sooner.~~
- ~~5. No transfer of a license shall be permitted from place to place or person to person.~~
- ~~6. At any time that an additional investigation is required because of a change in ownership or control of a corporation or because of an enlargement, alteration, or extension of premises previously licensed, the licensee shall pay an additional investigating fee as provided for in Chapter 11 of the City Code.~~
- ~~7. Where a new application is filed as a result of incorporation by an existing licensee and the ownership control and interest in the license are unchanged, no additional license fee will be required.~~

~~610.09. LIABILITY INSURANCE~~

- ~~1. Every person licensed to sell malt liquor or intoxicating liquor at off or on sale shall demonstrate proof of financial responsibility with regard to liability imposed by Minnesota Statutes Chapter 340A, to the city clerk as a condition of the issuance or renewal of the license. Proof of financial responsibility may be given by filing:

 - ~~A. A certificate of insurance that there is in effect an insurance policy or pool providing the following minimum coverage:

 - ~~(1) \$50,000 because of bodily injury to any one person in any one occurrence, and, subject to the limit for one person, in the amount of \$100,000 because of bodily injury to two or more persons in any one occurrence, and in the amount of \$10,000 because of injury to or destruction of property of others in any one occurrence.~~
 - ~~(2) \$50,000 for loss of means of support of any one person in any one occurrence, and, subject to the limit for one person, \$100,000 for loss of means of support of two or more persons in one occurrence; or~~~~
 - ~~B. A bond of a surety company with minimum coverages as provided in clause (A) above, or~~~~

~~C. A certificate of the State Treasurer that the licensee has deposited with the State Treasurer \$100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of \$100,000.~~

~~2. A liability insurance policy shall provide that it may not be canceled for any cause, either by the insured or the insurance company without first giving ten (10) days' notice to the City of Fridley in writing of the intention to cancel it, addressed to the City Clerk of the City of Fridley.~~

~~3. A liability insurance policy shall provide that the insurance company agrees to contact the City of Fridley in writing and addressed to the City Clerk of the City of Fridley, within ten (10) days of any claim made against the policy.~~

~~4. A liability insurance policy that contains annual aggregate limits of liability shall require the insured to buy additional coverage after any claim is made that reduces the coverage under the policy below the requirements.~~

~~5. The operation of a retail malt liquor or intoxicating liquor business at on- or off-sale, without having on file at all times with the City of Fridley the liability insurance policy or other evidence of financial responsibility shall be grounds for immediate revocation of the license. Notice of cancellation of a current liquor liability policy serves as notice to the licensee of the impending revocation and unless evidence of compliance with the financial responsibility is presented to the city clerk before the termination is effective, the license will be revoked instantly upon the lapse.~~

~~6. The city clerk shall submit the provided proof of financial responsibility to the Commissioner.~~

~~610.10. BONDS~~

~~1. Each application for an off- or on-sale malt liquor or intoxicating liquor license shall be accompanied by a surety bond in the amount of \$3,000.00 running in favor of the City of Fridley, or in lieu thereof, cash or United State Government bonds of equivalent market value, as provided in Minnesota Statutes, Section 340.12. The bond shall be in effect for the period covered by the license.~~

~~2. The bond's conditions are as follows:~~

~~A. The licensee will obey the laws relating to the licensed business.~~

~~B. The licensee will pay to the City, when due, all taxes, licenses, penalties, and other charges.~~

~~C. In the event of any violation of any liquor laws, the bond shall be forfeited to the City, as obligee.~~

~~3. Bonds for "off- or "on-sale" licenses shall be filed with the city clerk.~~

~~4. All bonds shall be for the benefit of the City, as obligees, and all persons suffering damages by reason of the violation of the conditions of 610.06.2. Upon forfeiture of the bond for violation of the law, the District Court of Anoka County may forfeit the bond's penal sum or any part thereof to the City.~~

~~5. Operation of a licensed business without having on file at all times with the City of Fridley effective security as required above shall be grounds for immediate revocation of the license.~~

~~610.11. PERSONS INELIGIBLE~~

~~No license shall be granted or held by any person:~~

~~1. Under twenty-one (21) years of age.~~

~~2. Who is not of good moral character and repute. If the applicant has been an owner, manager or employee of a hotel, restaurant, cafe, tavern or other business of a similar nature, the city council may consider the applicant's past performance record in determining whether a license shall be granted or renewed.~~

~~3. Has had a license issued under this section revoked within five years of the date of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested; and~~

~~4. Has been convicted within five years of the date of license application of a felony, or of a willful violation of a federal or state law, or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of alcoholic beverages. The Commissioner may require that fingerprints be taken and may forward the fingerprints to the Federal Bureau of Investigation for purposes of a criminal history check as defined in Minnesota Statutes 340A.301.~~

~~5. To the spouse of a person ineligible for a license pursuant to the provisions of this section of the Code or who, in the judgment of the city council, is not the real party in interest or beneficial owner of the business operated, or to be operated, under the license.~~

~~6. Who is directly or indirectly interested in any other establishment in the City of Fridley to which an on-sale license has been issued under Chapter 602 or 603 of this Code, with the exception for a brew pub off-sale malt liquor license.~~

~~The term "interest" as used in this Section includes any pecuniary interest in the ownership, operation, management or profits of a retail liquor establishment, but does not include bona fide loans; bona fide fixed sum rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course or business of selling or leasing merchandise, fixtures or supplies to such establishment; or an interest of ten per cent~~

~~(10%) or less in any corporation holding a license. A person who receives monies from time to time directly or indirectly from a licensee, in the absence of a bona fide consideration therefore and excluding bona fide gifts or donations, shall be deemed to have a pecuniary interest in such retail license. In determining "bona fide" the reasonable value of the goods or things received as consideration for any payment by the licensee and all other facts reasonably tending to prove or disprove the existence of any purposeful scheme or arrangement to evade the prohibitions of this Section shall be considered.~~

610.12. PLACES INELIGIBLE

~~1. No license shall be granted or renewed for operation on any premises on which financial claims of the State, County or City are due, delinquent or unpaid.~~

~~3. 2. No license shall be issued for the premises owned by a person to whom a license may not be granted under this Chapter.~~

~~3. No license shall be issued for the premises if it does not meet the required zoning conditions.~~

610.13. CONDITIONS OF LICENSE

~~Every license shall be granted subject to the condition of all sections of this Chapter and of any other applicable provision of this Code, State or federal law, including the following:~~

~~1. The license shall be posted in a conspicuous place in the licensed establishment at all times.~~

~~2. Licensees shall be responsible for the conduct of their place of business and the conditions of sobriety and order in the place of business and on the premises.~~

~~3. No license shall be effective beyond the space named in the license for which it was granted~~

~~4. No malt liquor or intoxicating liquor shall be sold or furnished or delivered to any intoxicated person, to any habitual drunkard, to a person under twenty-one (21) years of age, or to any person to whom sale is prohibited by State law.~~

~~5. Licensees shall not knowingly permit the licensed premises or any room in those premises or any adjoining building directly or indirectly under their control to be used as a resort for prostitutes.~~

~~6. Any police officer, or any properly designated officer or employee of the City shall have the right to enter, inspect and search the premises of the licensee during the business hours without a warrant.~~

~~7. No licensee shall sell, offer for sale, or keep for sale, malt liquor or intoxicating liquor in any original package which has been refilled or partially refilled, except as allowed by Minnesota~~

~~Statutes Section 340A.285. No licensee shall directly or through any other person delete or in any manner tamper with the contents of any original package so as to change its composition or alcoholic content while in the original package. Possession on the premises by the licensee of liquor in the original package differing in composition or alcoholic content in the liquor when produced and packaged by the manufacturer, shall be prima facie evidence that the contents of the original package have been diluted, changed or tampered with.~~

~~8. The business records of the licensee, including federal and state tax returns, shall be available for inspection by the city manager, or other duly authorized representative of the City or the city council, at all reasonable times.~~

~~9. Changes in the corporate or association officers, corporate charter, articles of incorporation, by laws, or partnership agreement, as the case may be, shall be submitted to the city clerk within thirty (30) days after such changes are made. Notwithstanding the definition of interest as given in Section 610.01, in the case of a corporation, the licensee shall notify the city clerk when a person not listed in the application acquires an interest which, together with that of spouse, parent, brother, sister, or child, exceeds 5%, and shall give all information about said person as is required of a person pursuant to the provisions of Section 610.11.6.~~

~~10. At the time licensees submit their applications for renewal of a license, they shall list all direct or indirect contributions made to or on behalf of a candidate for Fridley City Councilperson or Mayor, including, but not limited to, candidates, committees, volunteer committees, etc., for all City elections within the last 365 days.~~

~~11. No licensee shall permit any person under the age of 18 to enter the licensed establishment except for the purpose of performing work duties other than the serving or selling malt liquor or intoxicating liquor, unless accompanied by a parent or guardian.~~

~~12. No licensee shall permit in any licensed establishment, or any adjoining property owned or leased by the licensee, any boxing, wrestling, or any other form of entertainment whose primary purpose is physical contact by striking or touching an opponent with hands, head, feet, or body. Team sports in which physical contact is incidental to the primary purpose of the game such as basketball, volleyball, soccer, football, baseball, hockey, and softball are not included among activities prohibited by this section.~~

~~13. No licensee shall use or permit to be used any playing cards on the licensed premise except that playing cards may be used during a tournament of a social skill card game as defined by Minnesota Statute 609.761, subdivision 3, and conducted pursuant to regulations contained in Section 603.10.23 of the city code.~~

~~610.14. PATIO ENDORSEMENT~~

~~1. Statement of Policy~~

~~The sale of malt liquor or intoxicating liquor will be limited to the sale and consumption inside of a structure on the licensed premises, unless the licensee applies for and receives approval from the city council for a Patio Endorsement to allow the sale and consumption outside of a structure on the licensed premises.~~

~~2. Regulations~~

- ~~M. An outdoor patio shall not be enclosed in such a manner that the air becomes indoor air as defined by state law.~~
- ~~N. The patio shall be attached to the licensed premises and share at least one common wall or side with the licensed premise building/structure. The contiguous area will not be part of a public street, sidewalk or other public grounds.~~
- ~~O. If part of the parking lot is used to install an outdoor patio, the patio must share one common wall with the licensed premise. In addition, the licensed premise must continue to meet the parking requirements set by city code and the outdoor patio shall not affect the circulation of traffic.~~
- ~~P. Access to the patio shall be directly from the licensed premise with no direct access other than an emergency exit (exit only) equipped with an alarm, from any area other than by passing through the normal interior public areas of the licensed premise.~~
- ~~Q. The patio shall be clearly delineated by a permanent installed fence, or other structure or barrier, at least 42" high to prevent the ingress or egress of persons to and from the patio. The fence shall be designed and constructed in a manner that discourages or deters the passing of any regulated, controlled or prohibited items outside from one side of the fence to the other side of the fence.~~
- ~~R. Panic and fire exit hardware shall be installed on the fence or barrier and comply with the Minnesota Building Code.~~
- ~~S. Patios in direct contact with, or immediately adjacent to a parking area for motor vehicles, shall have sufficient barriers installed, as defined by the Minnesota State Building Code, to reduce the likelihood of incursion of vehicles into the patio space.~~
- ~~T. The licensee shall pay the Metropolitan Council S.A.C. unit(s) for outside seating.~~
- ~~U. The patio shall be placed in an area to meet the state and federal accessibility requirements.~~
- ~~V. There shall be no live entertainment. Music, sound, or noise in the patio enclosure shall comply with the provisions of Chapter 124 of the Fridley City Code at all times.~~

~~W. The sale and consumption of malt liquor or intoxicating liquor within the patio is limited to the normal business hours. No licensee, nor the employee, nor agent of any license will serve, dispense, possess, display, or in any manner furnish malt liquor or intoxicating liquor at any other time.~~

~~X. All other conduct pertaining to the licensed premises required by this Code or Minnesota state statutes shall apply.~~

~~3. Application for Patio Endorsement~~

~~Any establishment to which an on-sale brewer taproom or microdistillery cocktail room has been issued may submit an application for a patio endorsement. The application shall contain a description of the outdoor area that is proposed to be licensed and will be accompanied by a drawing of the proposed area to be licensed. The application will also include a detailed description of the barriers that will be used, the method of seating, ingress and egress arrangements, security provisions, sanitary and fire arrangements and lighting. The drawings must include the dimensions of the area, barriers, tables, aisles and equipment, and must be drawn proportionately to scale.~~

~~This application must be submitted to the city clerk who will forward for review and comment to the police department, fire department, and community development department before submission to the city council. The City staff will review the suitability of the proposed licensed area in light of the applicable fire, building and life safety codes, zoning codes, past performance of the licensee in maintaining order and obeying applicable laws in the licensed patio and in the principal licensed premises, the adequacy of the proposal to provide for the safety of persons on the proposed premises, impact on the surrounding land, adequacy of lighting, appropriateness of noise level, suitability of ingress and egress arrangements including control of persons entering and leaving for purposes of preventing consumption by minors and safety of seating arrangements.~~

~~If the patio endorsement is approved by the city council, the licensee shall obtain the appropriate building permits.~~

~~4. Violations~~

~~D. It shall be a violation of this code, by the license holder and/or any employees or agents of the license holder, to permit, allow or fail to prevent persons from directly accessing the patio by means other than through the building on the premises.~~

~~E. It shall be a violation of this code by the license holder and/or any employees or agents of the license holder, or to allow any other person, to provide, furnish or give any liquor, tobacco products, weapons, or any other regulated controlled or prohibited items (for example, drugs, dice, cards, etc.) from one side of the fence or barrier to the other.~~

- ~~F. Any violation of the provisions of this Code or of the state law regulating the sale of liquor which occur in the patio area will be considered as a violation of the principal on-sale license for the premises.~~

~~610.15.ADMINISTRATIVE OFFENSES~~

~~1. Administrative Civil Penalties: Administrative offense procedures established pursuant to this chapter are intended to provide the public and the City with an informal, cost effective, and practical alternative to traditional criminal charges for violations of this ordinance. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses.~~

~~2. Every licensee shall be responsible for the conduct of its employees while on the licensed premises and any sale or other disposition of any malt liquor or intoxicating liquor by an employee to any person under twenty-one (21) years of age shall be considered an act of the licensee for purposes of imposing an administrative penalty, license suspension, or revocation.~~

~~E. Individual. At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which event the City may bring criminal charges in accordance with law. Likewise, the City, at its discretion, may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.~~

~~F. Licensee. At any time prior to the payment of the administrative penalty as is provided for hereafter, the licensee may withdraw from participation in the procedures in which event the City may permanently revoke the license issued to the licensee under this Chapter in accordance with law. Likewise, the City, in its discretion, may revoke the license issued to the licensee under this Chapter in the first instance. In the event a licensee participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will suspend the license issued to the licensee under this Chapter in accordance with section 603.27.9 of this ordinance.~~

~~3. Notice. Any officer of the Fridley police department shall, upon determining there has been a violation, notify the violator of the violation. Said notice shall set forth the nature, date and time of violation, the name of the officer issuing the notice and the amount of the scheduled penalty.~~

~~4. Payment. Once such notice is given, the alleged violator may, within twenty (20) days of the time of issuance of the notice pay the amount set forth on the notice, or may request a hearing in writing, as provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.~~

~~5. Hearing. Any person contesting an administrative offense pursuant to this Chapter may request a hearing before the Hearing Examiner. Such request shall be filed in writing with the public safety director within twenty (20) days of the offense. The public safety director shall notify the Hearing Examiner, who will notify the person contesting and the licensee of the date, time, and place of hearing. The hearing shall be conducted no more than twenty (20) days after the Hearing Examiner receives notice of the request, unless a later date is mutually agreed to by the Hearing Examiner, the licensee, the person contesting and the City. Within ten (10) days after such hearing, the Hearing Examiner shall affirm, repeal, or modify the charge against the licensee or the person contesting. Any person aggrieved by the decision of the Hearing Examiner may appeal to the public safety director within twenty (20) days of receiving notice of the Hearing Examiner's decision. At its next available regular meeting following the filing of a notice of appeal, the Council shall review the decision and findings of fact of the Hearing Examiner and shall affirm, repeal or modify that decision.~~

~~6. Hearing Examiner. The position of Hearing Examiner is hereby created. The city manager may, at his discretion and with the approval of the city council, contract with third parties for the furnishing of all services of the Hearing Examiner as contained in this Chapter and set the rate of compensation therefore.~~

~~7. Qualifications. The Hearing Examiner shall be an individual trained in law; however, it shall not be required that the Hearing Examiner be currently licensed to practice law in the State of Minnesota.~~

~~8. Duties: The Hearing Examiner shall have the following duties:~~

~~I. Set dates and hear all contested cases.~~

~~J. Take testimony from all interested parties.~~

~~K. Make a complete record of all proceedings including findings of fact and conclusions of law.~~

~~L. Affirm, repeal or modify the penalty assessed.~~

~~9. Failure to Pay. In the event a party charged with an administrative penalty fails to pay the penalty, if an individual, the party will be charged with the criminal offense; if a licensee, the city council will suspend the license issued to the licensee under this Chapter.~~

~~10. Disposition of Penalties. All penalties collected pursuant to this Chapter shall be paid to the City's treasurer and will be deposited in the City's general fund.~~

610.16.VIOLATIONS

1. ~~Administrative Civil Penalties: Individuals. Any person in the employ of a licensee who sells any malt liquor or intoxicating liquor to a person under the age of twenty-one (21) years is subject to an administrative penalty; and any person under the age of twenty-one (21) years who attempts to purchase any malt liquor or intoxicating liquor from a licensee is subject to an administrative penalty. The administrative penalties are as follows:~~
 - A. ~~First violation. The penalty for the first violation is \$250.00.~~
 - B. ~~Second violation within 12 months. The penalty for the second violation is \$500.00.~~
 - C. ~~Third violation within 12 months. The penalty for the third violation is \$750.00.~~
2. ~~Administrative Civil Penalties; Licensee. If a licensee or an employee of a licensee is found to have sold any malt liquor or intoxicating liquor to a person under the age of twenty-one (21) years, the licensee shall be subject to an administrative penalty as follows:~~
 - A. ~~First violation. The penalty for the first violation is \$500.00. If the fine is not paid within 20 days the City may suspend the license issued to the licensee under this Chapter for a period not to exceed 10 days.~~
 - B. ~~Second violation within 12 months. The penalty for the second violation is \$1000.00. If the fine is not paid within 20 days the City may suspend the license issued to the licensee under this Chapter for a period not to exceed 30 days.~~
 - C. ~~Third violation within 12 months. The city may permanently revoke the license issued to the licensee under this Chapter.~~
3. ~~Defense. It is a defense to the charge of selling malt liquor or intoxicating liquor to a person under the age of twenty-one (21) years, that the licensee or individual, in making the sale, reasonably and in good faith relied upon representation of proof of age described in Minnesota Statute Section 340A.503, Subdivision 6(a).~~
4. ~~Exemption. A person, no younger than 18 and no older than 20, may be enlisted to assist in the tests of compliance. The person shall at all times act only under the direct supervision of a law enforcement officer or an employee of the licensing department, or in conjunction with a compliance check effort that has been pre-approved by the Fridley police department. A person who purchases or attempts to purchase malt liquor or intoxicating liquor while in this capacity is exempt from the penalties imposed by Section 610.16.1 above.~~
5. ~~Revocation. The City Council has the authority to revoke any license as noted in City Code Section 11.08.~~

610.17. PENALTIES

Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violation under the provisions of Chapter 901 of this Code.

Fridley City Code
Chapter 700 Liquor

700.01 Purpose

The purpose of this Chapter is to establish comprehensive regulations governing the sale, service, manufacture and distribution of alcoholic beverages within the City of Fridley (City). This Chapter of the Fridley City Code (Code) provides licensing requirements and operational standards for all liquor-related establishments and activities, including but not limited to on-sale and off-sale establishments, temporary events, municipal liquor stores, breweries, taprooms, microdistilleries and liquor caterers. These regulations aim to ensure responsible service of alcohol, protect public safety and maintain orderly business operations in accordance with Minnesota Statutes (M.S.) Chapter 340A.

700.02 Definitions

3.2% Malt Liquor: any malt liquor with an alcoholic content of more than .5% by volume and not more than 3.2% by weight

Brew Pub: a restaurant attached to a brewery which manufactures fewer than 3,500 barrels of malt liquor annually, at any one licensed premises. The entire brewing production is solely for the sale and consumption of malt liquor on tap on any of the licensed premises owned by the brewer or for off-sale from the licensed premises as permitted by M.S. § 340A.24, Subd. 2

Brewer: a person who manufactures malt liquor for sale

Brewer Taproom: a facility on or adjacent to the licensed brewery which allows for the on- or off-sale of malt liquor produced by the brewer.

Club: an incorporated organization that is organized under the laws of the State of Minnesota (State) for civic, fraternal, social or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization, which:

1. Has more than 30 members
2. Has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members.
3. It is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent or employee may receive any profit from the distribution of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body.

Commissioner: the Commissioner of the Minnesota Department of Public Safety.

Distilled Spirits: ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use.

Entertainment: includes, but is not limited to, music; singing; plays; dancing, either by the public or performers; motion pictures; exposition; performances; male or female reviews; fashion shows; TV, other than regular public channels; concerts; or any other deliberate act intended to amuse or entertain patrons and/or employees.

Event Center: an establishment that leases or rents space to public or private organizations or parties who contract, or allows parties to contract, with a licensed liquor caterer licensed by the State to provide food and alcohol in the City at a site other than the premises for which the on-sale intoxicating liquor license is issued.

Floor Area: all the floor area of the various floors of a licensed premise measured to the centers of all partitions, except those areas primarily for non-service purposes including, but not limited to, dead storage, building management, toilets or restrooms, mechanical equipment rooms and kitchens. Floor area is used to calculate the license fee. Banquet facilities used less than five times per week, on average, are counted at one-half actual size.

Intoxicating Liquor: ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing more than 3.2% of alcohol by weight.

Liquor Caterer: a caterer who serves food and alcohol at private events, that also has a valid State liquor catering permit, an on-sale liquor license or on-sale wine license and a State food catering license.

Liquor Catered Event: a private social gathering whereby a public or private party contracts with a Caterer to provide food and/or alcohol in the City at a site other than the premises for which an on-sale intoxicating liquor license is issued.

Lodging Establishment: a building, structure, enclosure or any part thereof used as, maintained as, advertised as a place where sleeping accommodations are furnished to the public for periods of less than seven calendar days.

Manufacturer: every person who, by any process of manufacturing, fermenting, brewing, distilling, refining, rectifying, blending, or by the combination of different materials, prepares or produces intoxicating liquors for sale.

Microdistillery: a distillery operated within the State producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year.

Microdistillery Cocktail Room: a facility on or adjacent to the licensed distillery which allows for the sale of distilled spirits in an on-sale capacity.

On-Sale: the sale of intoxicating liquor by glass or by the drink for consumption on the licensed premises only.

Original Package: a container or receptacle holding alcoholic beverages which are sealed or corked by a manufacturer on the licensed premises.

Religious Institution: a building which is principally used as a place where people of the same faith regularly assemble for public worship.

Restaurant: any establishment, other than a hotel or bowling center/restaurant, under the control of a single proprietor or manager, having a kitchen and other facilities to serve meals and where, in consideration of payment therefore, meals are regularly served at tables to the public. Such an establishment employs an adequate staff for the usual and suitable service to its guests, and the business of serving food and/or intoxicating liquor for a license year is a minimum of 40% of the total gross sales of the business. Vending machines or food truck sales will not be included as food sales revenue.

Sale, Sell or Sold: includes the giving, bartering, providing, or furnishing of liquor in exchange for any payment or compensation, including any sale of or charge for or any other value-based transaction for the provision of a glass, pitcher, cup or other container which is then utilized for the possession and consumption of liquor. A sale is also defined as the charging of any cover charge to enter the premises for the purpose of receiving liquor requiring no further payment or compensation.

Wholesale: any sale for purposes of resale. The term "wholesale" means any person engaged in the business of selling intoxicating liquor to retail dealers.

Wine: the product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, in each instance containing not less than one-half of one percent nor more than 24 percent alcohol by volume for nonindustrial use.

700.03 License Required

1. Conditions

(a) State License Required. No person, except wholesalers or manufacturers to the extent authorized under a State license, may directly or indirectly deal in, sell, or keep for sale any intoxicating liquor or 3.2% malt liquor without first having received a license to do so as provided in this Chapter. There are six types of liquor licenses:

- (1) Liquor On-Sale License
- (2) Liquor Off-Sale License
- (3) Liquor Manufacturer License
- (4) Liquor Caterer License
- (5) Temporary Intoxicating Liquor Permit
- (6) Municipal Liquor.

(b) Sunday Sales. No person may sell any intoxicating liquor on Sundays without obtaining a separate license for Sunday sales, as required by M.S. § 340A.

(c) Late Night Endorsement. No person may sell any intoxicating liquor after 1 a.m. without obtaining a special Late Night License Endorsement or a Holiday Endorsement for an existing liquor license as provided in this Chapter.

(d) Insurance

(1) A Certificate of Insurance proving commercial general liability coverage of not less than \$1 million for each occurrence, or a \$2 million annual aggregate. No retail license may be issued, maintained or renewed unless the applicant provides proof of insurance as laid out in M.S. § 340A.409.

(2) A liability insurance policy required by this Chapter must provide that it may not be cancelled for any cause, except for non-payment of premium, either by the insured or the insurance company without the canceling party giving 60 days' notice to the insured. The insurer must also send notice to the City at the same time that a cancellation request is received from, or a notice is sent to the insured.

(3) A liability insurance policy required that contains annual aggregate limits of liability must require the insured to buy additional coverage after any claim is made that reduces the coverage under the policy below the requirements of this Chapter.

(e) Persons Ineligible. No license will be granted or held by any person:

(1) Under 21 years of age.

(2) With a questionable reputation or history of unethical behavior. The Fridley City Council (Council) has the authority to review an applicant's previous work experience in alcohol-related businesses (including bars, restaurants, hotels, breweries, and similar establishments) where they served as owner, manager, employee, or investor. This past performance will be considered when deciding whether to grant or renew a license.

(3) Is not eligible to work in the United States.

(4) Who has been convicted within five years prior to the application of such license, of a felony or willful violation of any law of the United States, the State, or any other state or territory, or of any local ordinance regarding the manufacture, sale, distribution or possession for sale or distribution of an alcoholic beverage, or whose liquor license has been revoked for any violation of any law or ordinance.

(5) Who has a direct or indirect interest in a manufacturer, brewer, or wholesaler of intoxicating liquor except for a brew pub. No manufacturer or wholesaler may either directly or indirectly own or control or have any financial interest in any retail business selling intoxicating liquor.

(6) Who, if a corporation or other entity, does not have a manager who is eligible pursuant to the provisions of this Section.

(7) A person who:

((a)) Has had a license or registration issued pursuant to M.S. § 342 or M.S. § 151.72, subdivision 5b, revoked.

((b)) Has been convicted of an offense under M.S. § Section 151.72, subdivision 7; or

((c)) Has been convicted under any other statute for the illegal sale of marijuana, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products and the sale took place on the premises of a business that sells intoxicating liquor or 3.2 percent malt liquor to customers.

((d)) is the spouse of a person ineligible for a license pursuant to the provisions of this Chapter or who, in the judgement of the Council, is not the real party in the interest of the beneficial owner of the business operated, or to be operated, under the license as outlined in M.S. § 340A.402.

(f) Places Ineligible

(1) No license will be granted or renewed for operation on any premises on which financial claims of the City, County, State or other local regulatory authority are due, delinquent or unpaid.

(2) The premise is within 400 feet of a school or religious building, measured in a started line from building to building. There are two exceptions:

((a)) If applicant is applying for a temporary liquor license

((b)) If applicant is a municipal establishment that existed when this law was created. Also, if the premises already have a liquor license and then a school or building opens within 400 feet, the license can still be renewed.

(3) No on-sale licenses will be granted for a brew pub, restaurant or hotel that does not have a minimum total building area of 5,000 square feet, with a minimum kitchen and dining area of 2,000 square feet and with a minimum seating capacity that is open to the public of 130 square feet.

2. License Application. Every application for a license to sell intoxicating liquor in an on-sale or off-sale capacity will be verified and filed with the City Clerk. In addition to the information which may be required by the Commissioner, the application must contain the following:

(a) Whether the applicant is a person, corporation, partnership or other form of organization.

(b) The type of license the applicant seeks.

(c) If the applicant is a natural person, the following information:

(1) Legal name, place and date of birth, and street address.

(2) Whether the applicant has ever used, or been known by, a name other than the applicant's legal name and, if so, what was such name, or names, and information concerning dates and places where used.

(3) If the name of the business is to be conducted under a designation, name or style other than the full individual name of the applicant; in such case a copy of the certificate, as required by M.S. Chapter 333, certified by the Clerk of District Court, must be attached to the application.

(4) Whether the applicant is married or single. If married, legal name, place and date of birth, and residential street residence of applicant's present spouse.

(5) Street addresses at which applicant and present spouse have lived during the preceding 10 years.

(6) Type, name and location of every business, or occupation, applicant or present spouse have been engaged in during the preceding 10 years.

(7) Names and addresses of applicants' and spouse's employers and business partners, if any, for the preceding 10 years.

(8) Whether applicant or spouse, or a parent, brother, sister, or child of either of them has ever been convicted of any felony, crime or violation of any ordinance, other than traffic. If so, the applicant must furnish information as to the time, place and offense for which convictions were had.

(9) Whether applicant or spouse, or a parent, brother, sister, or child of either of them has ever been engaged as an employee or in operating a saloon, hotel, restaurant, cafe, tavern or other business of a similar nature. If so, the applicant must furnish information as to the date, place and length of time.

(10) For any liquor license application, applicant must disclose information about close relatives who work in the State's liquor industry. Specifically list the name, home address and business address of any family member who sells, makes or distributes liquor in the State. This includes relatives closer than second cousin to the applicant or their spouse, applicant's siblings' spouses, applicant's spouse's siblings' spouses. This applies to full and half-blood relatives.

(d) If the applicant is a partnership, the names and addresses of all partners and all information concerning each partner as is required of a single applicant as listed above. A managing partner, or partners, must be designated. The interest of each partner in the business must be disclosed. A true copy of the partnership agreement must be submitted with the application and, if the partnership is required to file a certificate as to a trade or assumed name under the provisions of M.S. Chapter 133, a copy of such certificate certified by the Secretary of State must be attached to the application.

3. License Approval

(a) The Council will conduct a hearing to consider all decisions related to liquor licenses pursuant to this Chapter at a regularly scheduled Council meeting.

(b) All license applicants are required to attend the hearing of the Council at which their license application will be considered. If a license applicant is not in attendance the hearing will be continued until the next regularly scheduled meeting.

4. On-Sale Additional Requirements

(a) Corporation, company, non-profit corporation or other legal entity applicants must provide the following:

(1) Name, and if incorporated, the state of incorporation

(2) Copies of the entity's Certificate of Incorporation, Articles of Incorporation or Association Agreement and Bylaws, and if a foreign incorporation, a Certificate of Authority as described in M.S. § 303.

(3) Name and manager or proprietor or other agent in charge of premises to be licensed, giving all information about said person as is required by single applicant

(b) Complete list of individuals who meet the criteria as follows:

(1) Individuals who own or control more than 5% of the corporation or association, whether individually or combined with their spouse or immediate family members (including parents, siblings or children).

(2) Individuals who serve as officers of the corporation or association.

(c) The exact legal description of the premises to be licensed and including a plot plan of the area showing dimensions, locations of buildings, street access, parking facilities and the location of distances to the nearest church building and school grounds.

(d) The floor number and street number of the building where the sale of intoxicating liquors is to be conducted and the rooms where liquor is to be sold or consumed and floor plan of the dining room(s) that must be open to the public showing dimensions that indicate the number of people intended to be served in each room.

(e) The amount of investment that the applicant has in the property and assets.

(f) The names and addresses of individuals other than the applicant who have any financial interest in the business, property or assets.

(g) The names, residences and business addresses of three individuals of good character, not related to the applicant or financially interested in the premise or business, who may be contacted as reference to the applicant's character, or in the case where information is required of a manager, the manager's character.

(h) Whether or not all real estate, special assessments and personal property taxes for the premises to be licensed have been paid, and if delinquent, the years and amounts that are unpaid.

(i) When applying for an on-premises liquor license for a location that is planned, under construction, or being significantly renovated, the applicant must submit preliminary design plans for the proposed establishment along with the application.

(1) Applicants must provide site plans showing:

((a)) Property and building locations

((b)) Parking areas

((c)) Landscaping details

((d)) Screening features

((e)) Parking must accommodate one 10 x 20-foot parking space for every three seats in the establishment.

(2) Applicants must submit detailed floor plans that include:

((a)) Complete layout of the establishment

((b)) Total seating capacity

((c)) Any proposed enlargements, alterations, or extensions to existing structures

(3) The Community Development Department and Fire Marshal must review and approve all plans and specifications before a building permit will be issued.

(4) The City can request additional information as they deem necessary to complete their review.

(j) Total revenue must be a 60:40 ratio of liquor to food.

5. On-Sale Wine License Requirements

(a) No person operating a restaurant may sell or permit any wine to be sold on said premises without having been issued an On-Sale Wine License or an On-Sale Intoxicating Liquor License. An On-sale Wine License permits only the on-sale of wine not exceeding 24% alcohol by volume in conjunction with the sale of food.

(b) No wine license may be issued to any restaurant having seating capacity of less than 25 people.

6. On-Sale Gambling Endorsement Requirements

(a) On-sale licensees under the provisions of the Lawful Gambling Chapter may request permission of the Council to permit State licensed organizations to conduct lawful gambling on the licensed premise. Application for gambling endorsement must be made to the City Clerk with payment of the specified fee listed in the fees chapter of the Code.

7. On-Sale Patio Endorsement Requirements

(a) The sale of alcoholic beverages pursuant to any of the licenses issued in accordance with this Chapter, with the exception of a temporary license, will be limited to the sale and consumption inside of a structure on the licensed premise, unless the licensee applies for and receives approval from the Council for a Patio Endorsement to allow the sale and consumption outside of a structure on the licensed premises.

(b) Regulations

(1) An outdoor patio cannot be enclosed in such a manner that the air becomes indoor air as defined by State law.

(2) The patio must be attached to the licensed premises and share at least one common wall or side with the licensed premise building/structure. The adjacent area will not be part of a public street, sidewalk or other public grounds.

(3) If part of the parking lot is used to install an outdoor patio, the patio must share one wall with the licensed premises. In addition, the licensed premise must continue to meet the parking requirements set by Code and the outdoor patio must not affect the circulation of traffic.

(4) Access to the patio will be directly from the licensed premise with no direct access other than an emergency exit (exit only) equipped with alarm, from any area other than by passing through the normal interior public areas of the licensed premise.

(5) The patio must be clearly delineated by a permanently installed fence, or other structure or barrier, at least 42 inches high to prevent the ingress or egress of persons to and from the patio. The fence must be designed and constructed in a manner that discourages or deters the passing of any regulated, controlled or prohibited items outside from one side of the fence to the other side of the fence.

(6) Panic and fire exit hardware must be installed on the fence or barrier and comply with the Minnesota Building Code.

(7) Patios in direct contact with, or immediately adjacent to a parking area for motor vehicles, must have sufficient barriers installed, as defined by the Minnesota State Building Code, to reduce the likelihood of incursion of vehicles into the patio space.

(8) The licensee will pay the Metropolitan Council Sewer Availability Charge (S.A.C.) unit(s) for outside seating.

(9) The patio must be placed in an area to meet the State and federal accessibility requirements.

(10) Live entertainment will be allowed in the patio area, but only between the hours of 9 a.m. and 10 p.m. Music, sound, or noise in the patio enclosure must always comply with the provisions of the Noise Chapter of the Code.

(11) The sale and consumption of intoxicating liquor within the patio is limited to the normal business hours. No licensee, nor the employee, nor agent of any license may serve, dispense, possess, display, or in any manner furnish intoxicating liquor at any other time.

(12) All other conduct pertaining to the licensed premises required by the Code or State law will apply.

(c) Application

(1) Any establishment to which an on-sale intoxicating, wine license, or liquor manufacturer license has been issued may apply for a patio endorsement. The application must contain a description of the outdoor area that is proposed to be licensed and must be accompanied by a drawing of the proposed area to be licensed. The application must also include a detailed description of the barriers that will be used, the method of seating, ingress and egress arrangements, security provisions, sanitary and fire safety arrangements and lighting. The drawings must include the dimensions of the area, barriers, tables, aisles and equipment, and must be drawn proportionately to scale.

(2) This application must be submitted to the City Clerk for review and comment by the Police Division, Fire Division and Community Development Division before submission to the Council. The City will review the suitability of the proposed licensed area in light of the applicable fire, building and life safety codes, zoning chapters of the Code, past performance of the licensee in maintaining order and obeying applicable laws in the licensed patio and in the principal licensed premises, the adequacy of the proposal to provide for the safety of persons on the proposed premises, impact on the surrounding land, adequacy of lighting, appropriateness of noise level, suitability of ingress and egress arrangements including control of persons entering and leaving for purposes of preventing consumption by minors and safety of seating arrangements.

(3) If patio endorsement is approved by the Council, the licensee is required to apply for and pay for the appropriate building permits and fees.

(d) Violations

(1) It is a violation of the Code for the license holder or any employees or agents of the license holder to permit or fail to permit people directly accessing the patio by means other than through the building on the premises.

(2) It is a violation of the Code for the license holder or any employees or agents of the license holder, to allow any other person, to provide, furnish or give any liquor, tobacco products, weapons, or any other regulated, controlled, or prohibited items (for example, drugs, dice, cards, etc.) from one side of the fence or barrier to the other.

(3) Any violation of the provisions of the Code or of State law regulating the sale of liquor which occurs in the patio area will be considered as a violation of the principal liquor license for the premises.

8. On-Sale Liquor Club Requirements

(a) The license must be posted at all times in a conspicuous place on the licensed premises.

(b) No sale of liquor will be made to any person under guardianship or to any person under 21 years of age.

(c) Only lawful gambling or lawful gambling devices permitted by the State of Minnesota and expressly authorized and permitted by the City pursuant to the Lawful Gambling chapter of the City Code are authorized on the licensed premises.

(d) All licenses granted under this Chapter are only issued for the premises designated in the application. Such license may not be transferred to another premises without approval of the City.

(e) No club license will be granted within 600 feet of any public school or within 600 feet of any church.

(f) The licensed premises must be open to inspection by any Police, City staff or Public Health Official at any time during which the Club is open to its members for business.

(g) The sale of intoxicating liquor under such license is restricted to members of the club and their bona fide guests.

(h) The licensee must strictly observe all the laws relative to on-sale of intoxicating liquor as set forth in the Minnesota Statutes, together with all the rules and regulations of Minnesota Department of Public Safety Alcohol and Gambling Enforcement as they are applicable.

(i) The liability insurance policy as required by this Chapter must be in full force and effect during the term of any license granted thereunder.

(j) No licensee may permit in any licensed establishment, or any adjoining property owned or leased by the licensee, any boxing, wrestling or any other form of entertainment whose

primary purpose is physical contact by striking or touching an opponent with hands, head, feet or body. Team sports in which physical contact is incidental to the primary purpose of the game such as basketball, volleyball, soccer, football, baseball, hockey or softball are not included among activities prohibited by this section.

9. Off-sale 3.2 Malt Liquor License Requirements

(a) Every license will be granted subject to the provisions of this Chapter and of any other applicable ordinance of the City or State law.

(b) No 3.2% malt liquor will be sold or served to any intoxicated person or any person under 21 years of age.

(c) No person under the age of 21 will be permitted to consume 3.2% malt liquor on the licensed premises.

(d) No person under 18 years of age can dispense, sell or serve any 3.2% malt liquor to any individual on the licensed premises.

(e) No manufacturer or wholesaler of 3.2% malt liquor can have any ownership or interest in an establishment licensed to sell at retail. No retail licensee and manufacturer or wholesaler of 3.2% malt liquor can be parties to any exclusive purchase contract. No retail licensee will receive any benefits contrary to law from a manufacturer or wholesaler of 3.2% malt liquor and no manufacturer or wholesaler will confer any benefits contrary to law upon a retail licensee.

(f) No licensee can sell 3.2% malt liquor while holding or exhibiting in the licensed premises a federal retail liquor dealer's special tax stamp unless they are licensed under State law to sell intoxicating liquor.

(g) Any police officer or health inspector may enter, inspect and search the premises of a licensee during business hours without a search and seizure warrant and may seize all intoxicating liquors and other evidence of violations found on the licensed premises in violation of this Chapter.

(h) Licensees must be responsible for the conduct of their place of business and must maintain conditions of sobriety and order. Any employee on the licensed premises authorized to sell or serve 3.2% malt liquor will be deemed the act of licensee as well and the licensee must be liable to all penalties provided by this Chapter equally with the employee.

10. Liquor Caterer License Requirements. The holder of a State Catering License under the provisions of M.S. § 340A.404 may register to operate under said permit in the City by applying for a liquor caterer license. The license application must contain the business name,

address, phone, email address, contact name and other information deemed necessary by the City Clerk or Public Safety Director. A caterer's registration must be approved by the City Clerk. The registration under this section will expire on April 30 of each year.

(a) Conditions. Events that are catered in the City in accordance with M.S. § 340A.404 and this Chapter must comply with the following conditions:

(1) A caterer must keep a record of each event they provide services for in the City. The record must contain the contract, information about each event as required by the event notification and the gross amount of food and liquor sales showing the sale of intoxicating liquor was incidental to the sale of food. The records must be made available to the City upon request.

(2) A caterer must staff the event with at least one employee from the original licensed establishment.

(3) All servers of alcohol at a catered event must be at least 18 years of age and employees of the licensed establishment.

(4) A caterer must complete a Temporary Intoxicating Liquor Permit at least 10 business days before the event.

(5) No sale of alcoholic beverages is permitted after 1 a.m.

(6) The property owner must give consent to a caterer to submit to and facilitate any site inspections by police, fire or the regulatory agency for enforcement of the registration or event.

(7) Both the State license and City registration permit must be available for display upon the request of any law enforcement officer or investigator.

(8) If an event is held outside, the application must define the premises to which the alcohol will be confined to a particular area.

(9) The caterer must maintain adequate security for all its catered events in the City. The caterer must coordinate security with the host facility.

(10) Holders of a caterer permit licensed under this Chapter must comply with all provisions of Minnesota Statutes, ordinances and rules governing the retail sales of alcoholic beverages.

(b) Temporary Intoxicating Liquor Permit

(1) A registered caterer must submit a Temporary Intoxicating Liquor Permit for each event at least 10 business days prior to the event. Each permit will be approved by the City Clerk.

(2) The event notification must contain information deemed necessary by the City Clerk or Public Safety Director including but not limited to the following:

((a)) The name of the event

((b)) The location of the event

((c)) The time and date of the event

((d)) The event contact name and phone number

((e)) The estimated number of guests

((f)) The type of liquor to be served

((g)) The estimated gross food to liquor sale.

(3) No single location in the City will have a single catered event lasting more than three consecutive days unless the permit is issued in connection with a civic event or community festival.

(4) The City Clerk or Public Safety Director will terminate any permitted catered event that disturbs the peace, quiet or repose of surrounding residential or commercial areas or that results in disorderly behavior, noise, traffic, litter or parking problems at the event's location or in the area near the event's location.

(5) The licensee may not authorize the sale of intoxicating liquor on premises other than the premises which the licensee owns or permanently occupies.

(6) Except in those instances where the license holder contracts for the catering of liquor services, the licensee must meet the requirements of this Chapter.

(7) An application for the temporary license must be completed and forwarded by the City Clerk to the Minnesota Department of Public Safety for their approval. A copy of the application will be retained by the City. This application must be made at least 30 days prior to the requested date.

(8) If the license is used on public property owned by the City, upon recommendation of the City Clerk and Public Safety Director, the Council can require the holder of the licenses, as a term and condition of the license, to hire uniformed police officers to

remain on the premises during the use of the license. The Council can also require insurance.

(c) Club, Charitable, Religious or Non-Profit Organization Temporary Intoxicating Liquor Permit

(1) The City is hereby authorized to issue a temporary on-sale intoxicating liquor license to any club, charitable, religious, or nonprofit organization which has its principal location within the City and which has been in existence for a period of not less than three years at the time of making application for this license, a political committee registered under M.S. § 10A.14, a State university, microdistilleries, agricultural societies, and farm wineries. This temporary on-sale intoxicating liquor license may only be issued for a social event occurring within the City limits sponsored by the licensee.

(d) Denial, Suspension or Revocation of License. A caterer's application for registration may be denied or a caterer's registration may be suspended or revoked without a refund for any of the following reasons:

(1) For just cause, which includes any violations of the provisions set forth in this Chapter or M.S. Chapter 340A by registrant, its employee, agents or servers.

(2) The operation of the event has unreasonably disturbed the peace, quiet or repose of surrounding residential or commercial areas as listed in the Noise Chapter of the Code.

(3) The operation of an event has contributed to crime, disorderly behavior, noise, traffic, litter or parking problems in the area near the event's location.

(4) Registrant's refusal to supply records, books of account or contract pertaining to a catered event set forth in this Chapter.

(5) Failure by the registrant to maintain adequate security for its event as required by the Public Safety Department.

(6) Failure to register as a caterer with the City or provide information on a catered event.

(7) Any other good cause related to the operation of the business or venue.

11. Liquor Manufacturer License

(a) Requirements

(1) No manufacturer may directly or indirectly manufacture malt liquor or intoxicating liquor without first obtaining zoning approval from the City. After the manufacturer has obtained approval from the City, they must then obtain the appropriate State and federal licenses or permits to operate as a manufacturer as defined in M.S. § 340A.301

(2) No manufacturer, to the extent authorized under State law, may directly or indirectly operate a brewer taproom or microdistillery cocktail room without having obtained a City license to do so as provided for in this Chapter.

(3) No single entity may hold both a microdistillery cocktail room and brewer taproom license.

(4) A microdistillery cocktail room and brewer taproom may not be co-located within a single entity.

(b) Brewery Retail License. A brewer licensed under M.S. §340A.26 may be issued an on-sale brewer taproom license, a small brewer off-sale license, or a brew pub off-sale license for the sale of malt liquor produced and packaged on the licensed premises which could be sold to other bars, restaurants and off-sale liquor stores if permitted by State law and issued a license by the State.

(1) A brewer taproom on-sale license authorizing the sale of malt liquor produced by the brewer for on-sale consumption on the premises or adjacent to one brewery location owned by the brewer may be approved by the Council under M.S. § 340A.26.

(2) A brewer may only have one brewer taproom license for malt liquor produced by the brewer and may not have an ownership interest in a brew pub.

(3) A brewer tap room license may not be issued to a brewer if the brewer seeking the license, or any person having an economic interest in the brewer seeking the license, is a brewer that brews more than 250,000 barrels of malt liquor annually.

(4) If the brewer taproom license is approved by the Council, the City Clerk will inform the Commissioner of the licensee's name, address, trade name and effective date and expiration date of the license within 10 days of approval.

(5) The brewer taproom sale of malt liquor produced by the brewer must be limited to the legal hours for on-sale liquor in the City as listed in this Chapter.

(6) The sale of malt liquor in an on-sale capacity produced by the brewer will be limited to the brewer taproom and cannot be taken outdoors unless a Patio Endorsement as defined in this Chapter has been obtained.

(c) Small Brewer Off-Sale License

(1) A Small Brewer Off-Sale License authorizing the sale of malt liquor produced and packaged by the brewer for consumption off the premises can be approved by the Council.

(2) A brewer may have only one small brewer license for malt liquor produced and packaged by the brewer.

(3) The amount of malt liquor produced and packaged by the brewer and sold off-sale must not exceed 750 barrels annually.

(4) The malt liquor produced and packaged by the brewer and sold in an off-sale capacity must be removed from the premises before the applicable off-sale closing time in the City.

(5) The packaging of malt liquor produced by the brewer in an off-sale capacity must comply with M.S. § 340A.285

(6) A license may not be issued to a small brewer if the brewer seeking the license, or any person having an economic interest in the brewer seeking the license or exercising control over the brewer seeking the license, is a brewer that brews more than 20,000 barrels of its own brands of malt liquor annually.

(7) If the license is approved by the Council, the City Clerk will inform the Commissioner of the licensee's name, address, trade name and effective date and expiration date within ten days of approval. The City will also inform the Commissioner of a license cancellation, suspension or revocation during the license period.

(8) The sale of malt liquor in an off-sale capacity produced and packaged by the brewer will be limited to the legal hours for off-sale liquor in the City as listed in this Chapter.

(d) Brew Pub Off-Sale License

(1) A brew pub that holds an on-sale license issued under this Chapter can hold a license for the sale of malt liquor in an off-sale capacity produced and packaged on the brew pub's licensed premises if approved by the Council.

(2) The malt liquor produced and packaged by the brewer and sold off-sale by the brew pub must not be consumed onsite and must be removed from the premises before the applicable off-sale closing time in the City.

(3) The packaging of malt liquor produced by the brewer on the licensed premises for sale in an off-sale capacity by the brew pub must comply with M.S. § 340A.285.

(4) A brew pub's total retail sales in an on- or off-sale capacity under this section may not exceed 3,500 barrels annually, provided sales in an off-sale capacity may not total more than 750 barrels annually.

(5) A brew pub licensed under this section to sell malt liquor in an off-sale capacity cannot be licensed as an importer under M.S. § 340A.302.

(6) If the brew pub off-sale license is approved by the Council, the City Clerk will inform the Commissioner of the licensee's name, address, trade name, effective date and expiration date of the license within ten days of approval.

(7) The sale of malt liquor in an off-sale capacity produced and packaged on the brew pub's licensed premises will be limited to the legal hours for off-sale liquor within the City as listed in this chapter.

(e) Microdistillery Retail License. A microdistillery licensed under Minnesota Statute Section 340A.301 may be issued with an on-sale cocktail room license and an off-sale license for the sale of intoxicating liquor produced and packaged on the licensed premises. The intoxicating liquor produced and packaged on the licensed premises may also be sold to other bars, restaurants and off-sale liquor stores if permitted by State law and issued a license by the Commissioner.

(1) On-Sale Microdistillery Cocktail Room License

((a)) A microdistillery cocktail room license authorizing the sale of intoxicating liquor in an on-sale capacity produced by the microdistillery for consumption on the premises or adjacent to one distillery location owned by the distiller may be approved by the Council under M.S. § 340A.26.

((b.)) A microdistillery can only have one microdistillery cocktail room license and may not have an ownership interest in a distillery licensed under M.S. § 340A.301.

((c)) No license will be issued if the microdistiller seeking the microdistillery cocktail room license or exercising control over the microdistillery seeking the license is a microdistiller that produces more than 40,000 proof gallons of premium, distilled spirits annually.

((d)) If the microdistillery cocktail room license is approved by the Council, the City Clerk will inform the Commissioner of the licensee's name, address, trade name, effective date and expiration date of the license within ten days of approval.

((e)) The sale of intoxicating liquor in an on-sale capacity produced and packaged by the microdistillery for consumption on the licensed premises will be limited to the legal hours for on-sale liquor as listed in this Chapter.

((f)) The sale of intoxicating liquor in an on-sale capacity produced by the microdistillery will be limited to the microdistillery cocktail room and cannot be taken outdoors unless there is a Patio Endorsement as defined in this Chapter.

(2) Off-Sale Microdistillery License

((a)) A microdistillery off-sale license authorizing the sale of intoxicating liquor produced and packaged by the distiller for consumption off the premises may be approved by the Council.

((b)) A distiller can only have one microdistillery license for intoxicating liquor produced and packaged by the distiller.

((c))The intoxicating liquor produced and packaged by the distiller and sold in an off-sale capacity must be removed from the premises before the applicable off-sale closing time in the City.

((d)) The license will allow the sale of up to 750 milliliters per customer per day of product manufactured on-site. No brand may be sold at the microdistillery unless it is also available for distribution by wholesalers.

((e)) If the microdistillery off-sale license is approved by the Council, the City Clerk will inform the Commissioner the licensee's name, address, trade name, effective date and expiration date with ten days of approval. The City will also inform the Commissioner of a license cancellation, suspension or revocation during the license period.

((f)) The sale of intoxicating liquor in an off-sale capacity produced and packaged by the microdistillery will be limited to the legal hours for off-sale liquor as listed in this Chapter.

700.04 Hours of Operation

1. No sale of intoxicating liquor on the licensed premises may be made between 1 a.m. and 8 a.m. daily. No sales may be made after 8 p.m. on December 24 through 8 a.m. on December 26 without a Holiday Endorsement.

(a) Holiday Endorsement. If an establishment holds a license, it can apply for a Holiday Endorsement.

(b) The Holiday Endorsement allows the establishment to remain open and serve alcohol December 24 through December 26 between the hours of 8 a.m. and 1 a.m. If the dates fall on a Sunday, the establishment must follow the times defined in State law.

(c) If the establishment holds both a Holiday Endorsement and a Late Night Endorsement as defined in this Chapter, they may remain open until 2 a.m. December 24 through December 26.

2. It is unlawful for any person or customer other than licensees or their employees to remain on the premises after 1:30 a.m. There must not be consumption by any person, including the licensee and their employees after 1:30 a.m.

3. If the establishment holds a Late Night Endorsement, they may sell alcohol between 1 a.m. and 2 a.m. They cannot sell alcohol between 2 a.m. and 8 a.m. daily. All customers must leave within 30 minutes after closing and no later than 2:30 a.m. No one, including staff, can consume alcohol after 2:30 a.m.

700.05 Entertainment Restrictions in Licensed Establishments

1. Prohibited Activities No person operating an establishment licensed under this Chapter for the sale of intoxicating liquor or 3.2% malt liquor may permit any person on the premises to:

(a) Expose to public view any genitals or anus, except when covered with opaque clothing.

(b) Perform or simulate sexual acts or make physical contact with another's sexual parts of the human body.

(c) Show films or other visual reproduction depicting activities which, if performed by a person on the premises, would be prohibited by this section.

(d) Expose to public view any portion of the female breast below the top of the areola except where covered with opaque material.

2. Enforcement

(a) Any violation of this section shall be grounds for immediate revocation or suspension of any and all licenses held on such premises.

(b) Every person who produces, promotes, prepares, solicits, manages, directs or participates in any entertainment contrary to the provisions of this section shall be subject to the penalties provided in XX.08 of this Chapter.

700.06 Municipal Liquor

There is hereby established a Municipal Liquor Dispensary for the sale of off-sale intoxicating liquor.

1. Location and Operation

(a) The Municipal Liquor Dispensary will be in such suitable places in the City as the Council may determine, except that no permits will be issued for the operation of a Municipal Liquor Dispensary upon which the taxes or other special levies are delinquent.

(b) The City Manager or a designee will manage and operate the Municipal Liquor Dispensary under the supervision and direction of the Council and will perform duties in connection with that as the Council may impose on them. The City Manager will be directly responsible to the Council for the conduct of the Municipal Liquor Dispensary in full compliance with the regulations and ordinances of the City and all State and Federal Laws and regulations.

(1) The Council will provide and fix the salaries of such additional help and employees as in their judgement deemed necessary for the operation of the Municipal Liquor Dispensary.

(2) No person under 21 years of age will be employed at any time in the Municipal Liquor Dispensary.

2. Dispensary Fund. The Municipal Liquor Fund is hereby created in which funds will be paid and deposited all receipts and revenues from the operation of the Municipal Liquor Dispensary and from which funds will first be paid expenses of operation and maintenance of the said Municipal Liquor Dispensary. The Council may provide for the transfer of retained earnings to the General Fund of the City or to such appropriate funds as the Council by resolution may determine.

3. Hours. The hours of operation will be as provided by State law.

4. Holidays. No off sale will be made on Thanksgiving Day or Christmas Day. On the evenings proceeding each day, off-sales can be made until 10 p.m., except for December 24 after 8 p.m.

5. Conditions and Restrictions

(a) No business other than the sale of liquor will be carried on in the Municipal Liquor Dispensary except the retail sale of cigars, cigarettes, all forms of tobacco, beer, soft drinks, low dose THC products, ice and accessories.

(b) No pool or billiard table will be kept in any part of the Municipal Dispensary

(c) No intoxicating liquor will be sold on credit.

(d) No liquor or beer will be sold or served to a person under 21 years of age, directly or indirectly

(e) No person will be permitted to loiter upon the premises of the Municipal Liquor Dispensary.

(f) No person who is a financially irresponsible spender or habitually intoxicated person as stated in M.S. § 340.73, or who is disorderly or under the influence of intoxicating liquor will be permitted on the Municipal Liquor Dispensary premises.

(g) The Municipal Liquor Dispensary will be inspected in accordance with State.

6. Liability Insurance. The Municipal Liquor Dispensary will demonstrate proof of financial responsibility regarding liability imposed by M.S. § 340A to the City Clerk. Proof of financial responsibility will be given by filing:

(a) A certificate that is in effect for the period covered by the license an insurance policy issued by an insurer required to be licensed under M.S. § 60A.07, or by an insurer recognized as an eligible surplus lines carrier pursuant to M.S. § 60A.206 or pool providing at least the following minimum coverages:

(1) \$50,000 because of bodily injury to any one person in any one occurrence, and, subject to the limit for one person, in the amount of \$100,000 because of bodily injury to two or more persons in any one occurrence, and in the amount of \$10,000 because of injury to or destruction of property of others in any one occurrence.

(2) \$50,000 for loss of means of support of any one person in any one occurrence, and, subject to the limit for one person, \$100,000 for loss of means of support of two or more persons in any one occurrence, \$50,000 for other pecuniary loss of any one person in any one occurrence, and \$100,000 for other pecuniary loss of two or more persons in any one occurrence: or

(3) A bond of a surety company with minimum coverages as provided in this Chapter, or

(4) A certificate from the Commissioner of Management and Budget that the licensee has deposited with the Commissioner of Management and Budget \$100,000 in cash or securities which may be legally purchased by savings banks or for trust funds having a market value of \$100,000.

(5) The City Clerk must submit the provided proof of financial responsibility to the Commissioner of Public Safety.

700.07 Fees

All licensing and related fees are established in the Fees Chapter of the Code.

700.08 Violations and Penalties

1. Administrative Civil Penalties

(a) Individual. Any person in the employment of a licensee who sells intoxicating liquor, 3.2% malt liquor, beer, or wine to a person under 21 years of age is subject to an administrative penalty. Any person under the age of 21 who attempts to purchase any intoxicating liquor, 3.2% malt liquor, beer or wine from a licensee is subject to an administrative penalty. The administrative penalties are as follows:

(1) First violation: \$250

(2) Second violation within 12 months: \$500

(3) Third violation within 12 months \$750.

(b) Businesses. If a licensee or an employee of a licensee is found to have sold any intoxicating liquor to a person under 21 years of age, the licensee is subject to an administrative penalty as follows:

(1) First violation: \$500. If this fine is not paid within 20 days, the City may suspend the license issued to the licensee under this Chapter for a period not exceeding 10 days

(2) Second violation within 12 months: \$1,000. If the fine is not paid within 20 days, the City may suspend the license issued to the licensee under this Chapter for a period not exceeding 30 days.

(3) Third violation within 12 months: The City may permanently revoke the license issued to the licensee under this Chapter.

2. Defense. It is a defense to the charge of selling intoxicating liquor, 3.2% malt liquor, beer or wine to a person under the age of 21 years, that the individual, in making the sale, reasonably and in good faith relied upon representation of proof of age described in M.S. § 340A.503.

3. Exemption. A person, no younger than 18 and no older than 20, may be enlisted to assist in the tests of compliance. The person must act only under the direct supervision of a law enforcement officer or an employee of the licensing department, or in conjunction with a compliance check effort that has been pre-approved by the Fridley Police Division. A person

who purchases or attempts to purchase intoxicating liquor, 3.2% malt liquor, beer or wine while in this capacity is exempt from the penalties imposed in this Chapter.

700.09 Suspension or Revocation

1. General Authority. The Council may suspend or revoke any license issued under this Chapter for violations of any provision or condition of this Chapter, any applicable City ordinance or any State or Federal law regulating the sale of alcoholic beverages. The Council will revoke any license for willful violations that require mandatory revocation under State law.

2. Specific Grounds for Suspension or Revocation. A license may be suspended or revoked for any of the following reasons:

(a) Violations of State or Federal law or Code

(1) Violation of any provision of this Chapter.

(2) Violation of any applicable City ordinance.

(3) Violation of any State or Federal law regulating alcoholic beverages.

(4) Conviction of felony or willful violation requiring mandatory revocation under State law.

(b) Insurance and Financial Responsibility

(1) Failure to maintain required insurance coverage as specified in this Chapter.

(2) Failure to maintain required bonds or financial responsibility.

(c) Operational Issues

(1) Sale of alcoholic beverages to persons under 21 years of age.

(2) Sale to intoxicated persons or habitual drunkards.

(3) Allowing consumption by minors on licensed premises.

(4) Operating outside authorized hours without proper endorsements.

(5) Unauthorized sale of alcoholic beverages off licensed premises.

(d) Business Conduct

- (1) Failure to maintain conditions of sobriety and order on premises.
- (2) Allowing premises to be used for prostitution or other illegal activities.
- (3) Tampering with or adulterating alcoholic beverage contents.
- (4) Refusal to allow authorized inspections of premises or records.
- (5) Making false statements in license applications.

(e) Administrative Non-Compliance

- (1) Failure to pay required fees, taxes or penalties when due.
- (2) Failure to notify the City of required changes in ownership, management or operations.
- (3) Failure to maintain required records or provide required reports.
- (4) Failure to comply with special license conditions or endorsement requirements.

(f) Public Safety and Welfare

- (1) Operating in a manner that disturbs the peace, quiet or repose of surrounding areas.
- (2) Contributing to crime, disorderly behavior, noise, traffic, litter or parking problems.
- (3) Failure to maintain adequate security as required.
- (4) Any conduct that threatens public health, safety or welfare.

(g) Federal Tax Stamp Violations

- (1) For 3.2% malt liquor licenses, holding a federal retail liquor dealer's special tax stamp without proper intoxicating liquor license.

(h) Caterer-Specific Grounds (for liquor caterer licenses)

- (1) Failure to staff events with employees from original licensed establishment.
- (2) Failure to register as a caterer or provide required event notifications.
- (3) Refusal to supply records, books of account or contracts.

(4) Events lasting more than three consecutive days without proper authorization.

3. Immediate Revocation. The Council may immediately revoke any license without prior notice or hearing for:

(a) Failure to maintain insurance coverage or financial responsibility required by this Chapter.

(b) Imminent threat to public health, safety or welfare.

(c) Holding federal retail liquor dealer's special tax stamp while licensed only for 3.2% malt liquor (without intoxicating liquor license).

4. Suspension Limitations

(a) Emergency suspensions pending hearing may not exceed 30 days.

(b) No suspension may exceed 60 days except where State law requires longer suspension periods.

(c) The Council may suspend any license pending a revocation hearing without prior notice.

5. Effect on Related Licenses. Violation of any provision of this Chapter or State law occurring on licensed premises may be grounds for suspension or revocation of all licenses held for that premises, including but not limited to:

(a) Primary liquor licenses.

(b) Endorsements (Late Night, Holiday, Patio, Gambling).

(c) Entertainment licenses.

(d) Caterer registrations.

6. No Refund. No portion of any license fee paid will be refunded upon suspension or revocation of a license.

700.10 Hearings and Appeals

1. Right to Hearing

(a) Hearing Required Before Suspension or Revocation. No suspension or revocation of any license issued under this Chapter will take effect until the licensee has been given an opportunity for a hearing in accordance with M.S. §§ 14.57 - 14.69.

(b) Exceptions. The following actions may take effect immediately without prior hearing:

(1) Emergency suspensions as provided in the Suspension or Revocation Section of this Chapter.

(2) Administrative penalties imposed by the Violations and Penalties Section of this Chapter.

2. Notice Requirements

(a) Content of Notice. Written notice of any proposed license action will be served upon the licensee and must include:

(1) Specific allegations and charges against the licensee.

(2) Citation to the statutes, rules or ordinances allegedly violated.

(3) Statement of the action proposed to be taken.

(4) Time, date and place of the hearing.

(5) Statement of the licensee's rights at the hearing.

(6) Citation to the City's authority to take the proposed action.

(b) Timing of Notice. Notice will be served at least 10 days before the scheduled hearing date.

(c) Service of Notice. Notice will be mailed to the address provided in the license application.

3. Hearing Procedures

(a) Hearing Authority. The Council may conduct hearings under this Section.

(b) Hearing Standards. All hearings will be conducted in accordance with the procedural requirements of M.S. §§ 14.57 - 14.69, including but not limited to:

(1) Right to be represented by counsel.

(2) Right to present evidence and witnesses.

(3) Right to cross-examine witnesses.

(4) Right to have an interpreter if requested.

(5) Maintenance of an official record of the proceedings.

4. Decision Process

(a) Timeline for Decision. A decision of the Council will be mailed within 30 days of hearing conclusion.

(b) Written Decision Required. All decisions will be in writing and must include:

(1) Findings of fact based on the evidence presented.

(2) Conclusions of law.

(3) Order specifying the action taken.

(4) Effective date of any suspension or revocation.

5. Emergency Procedures

(a) Emergency Suspension Authority. When public health, safety or welfare requires immediate action, the Council may order an emergency suspension of any license for a period not to exceed 30 days.

(b) Notice of Emergency Action. Written notice of emergency suspension will be mailed within 48 hours and must include:

(1) Statement of the emergency circumstances requiring immediate action.

(2) Effective date and duration of the emergency suspension.

(3) Right to request an expedited hearing.

(c) Expedited Hearing. Upon written request, an expedited hearing on the emergency suspension will be conducted within 10 business days to determine whether the suspension should be continued, modified or lifted pending a full hearing.

Section 2

Amending Fridley City Code Chapter 12 (Tobacco Products).

Fridley City Code Chapter ~~12. 201~~ Tobacco Products

201.01 Purpose

The purpose of this Chapter of the Fridley City Code (Code) is to regulate the sale and distribution of tobacco products, tobacco-related devices and electronic delivery devices within the City of Fridley (City) to protect public health, safety and welfare. This Chapter establishes licensing requirements, enables sales restrictions and creates enforcement measures to prevent youth access to tobacco products to mitigate the harmful effects of tobacco use in the community.

~~12.01.201.02~~ Definition of TermsDefinitions

~~The following definitions shall apply in the interpretation and application of this chapter and the following words and terms, wherever they occur in this chapter, are defined as follows:~~

~~1. "Self Service Merchandising": This is~~ an open display of tobacco products where the public has access without the intervention of an employee.

~~2. "Tobacco Product": Any any~~ substance or item containing tobacco leaf, including but not limited to, cigarettes; cigars; little cigars; pipe tobacco; snuff; snuff flour; fine cut or other chewing tobacco; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, Cavendish; shorts; plug and twist tobacco; dipping tobacco; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco leaf prepared in such manner as to be suitable for chewing, sniffing, or smoking. "Tobacco product" includes any 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. Tobacco excludes any drugs, devices, or combination products, as those terms are defined in the Federal Food, drug and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

~~3. "Tobacco-Related Devices": "Tobacco-Related Devices" shall mean rolling cigarette papers, or pipes, or other device for smoking or other devices~~ intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of aerosol or vapor of tobacco or tobacco products, including electronic delivery devices. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

~~4. "Electronic Delivery Devices": "Electronic Delivery Devices" shall mean~~ any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic delivery devices include but are not limited to devices manufactured, marketed, or sold as electronic

cigarettes (e-cigarettes), electronic cigars (e-cigars), electronic pipes (e-pipes), vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery devices include any component part of a product, whether or not marketed or sold separately. Electronic delivery devices exclude drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration as a nicotine cessation product.

~~5. "Tobacco Products Shop": "Tobacco Products Shop" shall mean~~ a retail establishment that cannot be entered at any time by persons younger than 21 years of age, has an entrance door opening directly to the outside, and that derives more than 90% ~~percent~~ of its gross revenue from the sale of tobacco, tobacco-related devices, and electronic delivery devices, and in which the sale of other products is merely incidental. Tobacco Products Shop does not include a tobacco department or section of any individual business establishment with any type of liquor, food, or restaurant license.

~~6. "Flavored Tobacco": "Flavored Tobacco" shall mean~~ any tobacco product, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product that contains a taste or aroma, other than the taste or aroma of tobacco, that is distinguishable by any ordinary consumer either prior to or during consumption of a tobacco product, including, but not limited to, tastes or aromas of menthol, mint, wintergreen, chocolate, vanilla, honey, cocoa, or any candy, dessert, alcoholic beverage, fruit, herb or any spice. A public statement or claim made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate such statements or claims, that a tobacco product has or produces a taste or aroma other than tobacco may be the one of the methods used to determine that the product is a flavored tobacco product, and shall, to the extent permitted by law, create a rebuttable presumption that the product is a flavored tobacco product.

~~12.02.~~ 201.03 License Required

1. No person shall may directly, by self-service merchandising coin machine, or otherwise, keep for retail sale, sell at retail, or otherwise dispose of, any tobacco product, tobacco-related devices or electronic delivery device at any place in the City unless they have obtained a license therefor as provided herein.

2. Tobacco License. It is unlawful for any person or entity to sell or offer for sale any tobacco products without first having obtained a Tobacco License from the City. This license permits the sale of non-flavored tobacco products only.

3. Tobacco Product Shop License. It is unlawful for any person or entity to sell or offer for sale any tobacco product, including flavored tobacco products, tobacco-related devices or electronic delivery devices without first obtaining a Tobacco Product Shop License from the City.

4. License Application. Application for such license shall be made to the City Clerk's Office and shall state the full name and address of the applicant, the location of the building to be occupied by the applicant in the conduct of his business, the kind of business to be conducted, and such

other information as the City Manager or a designee may require. The license shall be granted by the City Council and issued by the City Clerk or a designee upon payment of the required fee.

5. License Review. New licenses and license renewals will be approved or denied by the Council with an initial review period of up to 30 business days.

6. Term. Licenses are issued for a term of one year. All tobacco-related licenses expire on April 30 of each year.

7. License Transfer. Licenses are non-transferable.

8. Fees. The annual license fee is established in the Fees Chapter of the Code.

9. Number of Tobacco Product Shop Licenses Issued. The total number of Tobacco Product Shop licenses is limited to five.

~~12.03. Application for License: Granting of License by the Council; Issuance of License by City Manager or Their Designee~~

~~Application for such license shall be made to the City Clerk's Office and shall state the full name and address of the applicant, the location of the building to be occupied by the applicant in the conduct of his business, the kind of business to be conducted, and such other information as the City Manager or their designee may require. The license shall be granted by the City Council and issued by the City Manager or their designee upon payment of the required fee.~~

~~New licenses and license renewals shall be issued or denied by the City Manager or their designee with an initial review period of up to 30 business days in which to issue or deny a license.~~

~~Administrative offenses are outlined in Section 12.08.~~

~~12.04. License Fee; Term; Date; Restriction on Number of Licenses Issued~~

~~The annual license fee and expiration date shall be as provided in Chapter 11 of this Code. Licenses are not transferable.~~

~~The total number of Tobacco Product Shop licenses shall be limited to five.~~

201.04 Minimum Standards of Operation

1. Posting of License. Every tobacco-related license issued by the City must be openly displayed at all times in the place of business to which it has been issued.

2. Every retailer requesting a license under this Chapter must implement a training program for employees regarding laws relating to the sale of tobacco products. Every licensee must certify on

its annual tobacco license application that all employees have been trained to comply with State laws regarding the sale of tobacco products.

~~12.05.~~Display of License on Premises

~~Every such license shall be openly displayed at all times in the place of business to which it has been issued.~~

~~12.06.~~Training

~~Every retailer requesting a license under this chapter shall implement a training program for employees regarding laws relating to the sale of tobacco products. Every licensee shall certify on its annual tobacco license application that all employees have been trained to comply with state laws regarding the sale of tobacco products.~~

~~12.07.~~201.07 Prohibited Acts

~~A.1.~~ No person ~~shall~~may sell, give away, or otherwise furnish any tobacco product, tobacco-related devices or electronic delivery device to any person under the age of 21 years.

~~B.2.~~ No person ~~shall~~may keep for sale, sell, or dispose of any tobacco product, tobacco-related devices or electronic delivery device containing opium, morphine, jimson weed, bella donna, strychnia, cocaine, marijuana, or any other deleterious, hallucinogenic, toxic, or controlled substances or poisonous drug, except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process..

~~C.3.~~ Self-service and vending machine sales are prohibited within the City except in licensed Tobacco Product Shops.

~~E.4.~~ Every licensee ~~shall be~~is responsible for the conduct of its employees while on the licensed premises. Any sale or other disposition of tobacco products, tobacco-related devices or electronic delivery device by an employee, or any other violation of any applicable ~~statute,~~ law, rule, or ~~ordinance~~Code shall also will be considered an act of the licensee for purposes of imposing an administrative penalty, license suspension, or revocation.

~~F.5.~~ Smoking and sampling indoors are prohibited. No person ~~shall~~may smoke in a public place, at a public meeting, or in a place of employment. This subdivision also prohibits the sampling of tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products and products used in electronic delivery devices and nicotine or lobelia delivery products.

~~G.6.~~ No person or retailer ~~shall~~may sell or offer for sale any flavored tobacco products unless the person or retailer holds a Tobacco Product Shop License from the City beginning May 1, 2021. ~~This restriction does not apply to Tobacco Product Shops.~~

201.08 Violations

1. Individuals. Any person who sells any tobacco product, tobacco-related device or an electronic delivery device to a person under the age of 21 years or who otherwise violates any applicable law, rule, or Code related to the sale of the products licensed in this Chapter will be subject to an administrative penalty as established in the Fees Chapter of the Code.

2. Licensees. If a licensee or an employee of a licensee is found to have sold tobacco, tobacco-related products or electronic delivery devices to a person under the age of 21 years or who otherwise violates any applicable statute, law, rule, or Code related to the sale of the products licensed in this Chapter, the licensee is subject to an administrative penalty as established in the Fees Chapter of the Code.

(a) First violation. If fines are not paid within 20 days the City may suspend the license to sell tobacco products for a period not to exceed ten days.

(b) Second violation within 36 months. If fine are not paid within 20 days the City may suspend the license to sell tobacco products for a period not to exceed 30 days.

(c) Third violation within 36 months. The City may permanently revoke the tobacco license.

3. Defense. It is a defense to the charge of selling tobacco to a person under the age of 21 years, that the licensee or individual, in making the sale, reasonably and in good faith relied upon representation of proof of age described in Minnesota Statute § 609.685.

4. Compliance Checks; Exemption. The City will conduct compliance checks as required by State law and may conduct compliance checks at any time it is deemed necessary as determined by the Public Safety Director or City Manager. A person, at least 17 years of age, but under the age of 21, may be enlisted to assist in the tests of compliance, provided that written consent from the person's parent or guardian has been obtained if the person is a minor and that the person shall at all times act only under the direct supervision of a law enforcement officer or an employee of the licensing department, or in conjunction with a compliance check effort that has been pre-approved by the Fridley Department of Public Safety.

5. Exemptions. A person who purchases or attempts to purchase tobacco product, tobacco-related devices or an electronic delivery device while in this capacity is exempt from the penalties imposed by this Chapter.

6. Revocation. The City Council has the authority to revoke any license as noted in the Fees Chapter of the Code.

7. Nothing in this Chapter prevents the provision of tobacco or tobacco-related devices to any person, including a minor, as part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.

~~A. Administrative Civil Penalties. Administrative offense procedures established pursuant to this chapter are intended to provide the public and the City with an informal, cost effective and expeditious alternative to traditional criminal charges for violations of this chapter. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses.~~

~~1. Any person contesting a citation or decision associated with violations of this Chapter may file an appeal pursuant to the Appeals and Administrative Citations Chapter of the Code.~~

~~2. Within 14 business days of a determination by the Hearing Examiner, any person contesting that decision may appeal to the Council by submitting a written appeal to the City Clerk. At its next regular meeting following the Hearing Examiner's decision, the Council will affirm, repeal, or modify that decision.~~

~~1.3.~~ Individual. At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which event the City may bring criminal charges in accordance with State or federal law. Likewise, the City, at its discretion, may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.

~~2.4.~~ Licensee. At any time prior to the payment of the administrative penalty as is provided for hereafter, the licensee may withdraw from participation in the procedures in which event the City may permanently revoke the licensee's tobacco license in accordance with State or federal law. Likewise, the City, in its discretion, may revoke the licensee's tobacco license in the first instance. In the event a licensee participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will suspend the licensee's tobacco license in accordance with ~~section 12.08 subdivision B of this chapter~~this Chapter.

~~B.5.~~ Notice. The City Manager or ~~their~~a designee ~~shall~~must, upon determining there has been a violation, notify the violator of the violation. Said notice ~~shall~~must set forth the nature, date and time of violation, the name of the officer issuing the notice and the amount of the scheduled penalty.

~~C.6.~~ Payment. Once such notice is given, the alleged violator may, within 20 days of the time of issuance of the notice pay the penalty as set forth on the notice, or may request a hearing in writing, as provided for hereafter. The penalty may be paid in person or by mail, and payment ~~shall~~will be deemed to be an admission of the violation.

~~D. Hearing. Any person contesting an administrative offense pursuant to this chapter may request a hearing before the Hearing Examiner. Such request shall be filed in writing with the office of the City Manager or their designee within 20 calendar days of the offense. The City Manager or their designee must shall notify the Hearing Examiner, who will notify the licensee of the date, time, and place of~~

hearing. The hearing shall be conducted no more than 20 calendar days after the Hearing Examiner receives notice of the request, unless a later date is mutually agreed to by the Hearing Examiner, the licensee, individual and the City. Within ten calendar days after such hearing, the Hearing Examiner shall affirm, repeal, or modify the charge against the licensee or individual.

E. Appeal. Any person aggrieved by the decision of the Hearing Examiner may appeal with the City Manager or their designee within 20 calendar days of receiving notice of the Hearing Examiner's decision. At its next available regular meeting following the filing of a notice of appeal, the Council shall review the decision and findings of fact of the Hearing Examiner and shall affirm, repeal or modify that decision.

F. Hearing Examiner. The position of Hearing Examiner is hereby created. The City Manager or their designee may, at their discretion contract with third parties for the furnishing of all services of the Hearing Examiner as contained in this chapter and set the rate of compensation therefor.

G. Qualifications. The Hearing Examiner shall be an individual trained in law; however, it shall not be required that the Hearing Examiner be currently licensed to practice law in the State of Minnesota.

H. Duties. The Hearing Examiner shall have the following duties:

1. Set dates and hear all contested cases;
2. Take testimony from all interested parties;
3. Examine all facts, evidence and testimony presented;
4. Make a complete record of all proceedings including findings of fact and conclusions of law;
5. Affirm, repeal or modify the penalty assessed.

~~I.7.~~ Failure to Pay. In the event a party charged with an administrative penalty is an individual who fails to pay the penalty, the party may be charged with a criminal offense. In the event a party charged with an administrative penalty is a licensee who fails to pay the penalty, the Council may suspend or revoke the licensee's tobacco license.

~~J.8.~~ Disposition of Penalties. All penalties collected pursuant to this Chapter ~~shall~~ must be paid to the City's ~~treasurer~~ Treasurer and will be deposited in the City's ~~general fund~~ General Fund.

~~12.09. Violations~~——

A. Administrative Civil Penalties: Individuals. Any person who sells any tobacco product, tobacco-related devices or an electronic delivery device to a person under the age of 21 years or who otherwise violates any applicable statute, law, rule, or ordinance related to the sale of the products

~~licensed in this chapter shall be subject to an administrative penalty. The administrative penalties are as follows:~~

- ~~1. First violation. The penalty for the first violation is \$250.00.~~
- ~~2. Second violation within 12 months. The penalty for the second violation is \$500.00.~~
- ~~3. Third violation within 12 months. The penalty for the third violation is \$750.00.~~

~~B. Administrative Civil Penalties: Licensee. If a licensee or an employee of a licensee is found to have sold tobacco, tobacco-related products or electronic delivery devices to a person under the age of 21 years or who otherwise violates any applicable statute, law, rule, or ordinance related to the sale of the products licensed in this chapter, the licensee shall be subject to an administrative penalty as follows:~~

- ~~1. First violation. The penalty for the first violation is \$500.00. If the fine is not paid within 20 days the City may suspend the license to sell tobacco products for a period not to exceed ten days.~~
- ~~2. Second violation within 36 months. The penalty for the second violation is \$1000.00. If the fine is not paid within 20 days the City may suspend the license to sell tobacco products for a period not to exceed 30 days.~~
- ~~3. Third violation within 36 months. The City may permanently revoke the tobacco license.~~

~~C. Defense. It is a defense to the charge of selling tobacco to a person under the age of 21 years, that the licensee or individual, in making the sale, reasonably and in good faith relied upon representation of proof of age described in State Statute Section 340A.503 subdivision six, paragraph (a).~~

~~D. Compliance Checks; Exemption. The City shall conduct compliance checks as required by law, and may conduct compliance checks at any time it is deemed necessary as determined by the Public Safety Director or City Manager. A person, at least 17 years of age, but under the age of 21, may be enlisted to assist in the tests of compliance, provided that written consent from the person's parent or guardian has been obtained if the person is a minor and that the person shall at all times act only under the direct supervision of a law enforcement officer or an employee of the licensing department, or in conjunction with a compliance check effort that has been pre-approved by the Fridley Department of Public Safety.~~

~~A person who purchases or attempts to purchase tobacco product, tobacco-related devices or an electronic delivery device while in this capacity is exempt from the penalties imposed by subdivision (A) above.~~

~~E. Revocation. The City Council has the authority to revoke any license as noted in Fridley City Code Chapter 11.~~

Section 3

Amending Fridley City Code Chapter 31 (Pawn Shops).

Fridley City Code Chapter ~~31.702~~ Pawn Shops

~~31.01702.01~~ Purpose

The ~~Fridley City council~~ Council (Council) finds that the use of services provided by pawnbrokers provides an opportunity for the commission of crimes and their concealment because pawn businesses have the ability to receive and transfer property stolen by others easily and quickly. The ~~City~~ Council also finds that consumer protection regulation is warranted in transactions involving pawnbrokers. The ~~City~~ Council also finds that consumer protection regulation is warranted in transactions involving pawnbrokers. ~~The City Council further finds that the pawn industry has outgrown the City's current ability to effectively or efficiently identify criminal activity related to pawn shops.~~ The purpose of this ~~chapter~~ Chapter is to prevent pawn businesses from being used as facilities for the commission of crimes and to assure that such businesses comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens of the City of Fridley (City).

~~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).~~

~~31.02702.02~~ Definitions

~~The following words and terms when used in this Chapter shall have the following meanings:~~

1. ~~Licensee.~~

~~The person, corporation, company, partnership, or association to whom a license is issued under this Chapter including any agents or employees of the person, corporation, company, partnership, or association.~~

2. ~~Minor.~~

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

3. ~~Pawnbroker.~~

~~A person, corporation, partnership, or association who loans money on deposit or pledge of personal property or other valuable things or who deals in the purchasing of personal property or other valuable things on condition of selling the same back again at a stipulated price or who loans money secured by security interest on personal property or any part thereof. This Chapter~~

~~does not apply to a person, corporation, partnership, or association doing business under and as permitted by any law of this State or of the United States relating to banks, building and loan associations, savings and loan associations, trust companies or credit unions.~~

~~4.——Public Safety Director.~~

~~The Public Safety Director of the City of Fridley or the Director's designee.~~

~~5.——City.~~

~~The City of Fridley, Minnesota, a municipal corporation.~~

~~6.——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, redeemed or voided, is a reportable transaction 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 number 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.~~

~~7.——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 is a billable transaction.~~

~~8.——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 identification card issued by another state or a province of Canada.~~

Acceptable Identification: a current valid Minnesota driver's license, a current valid Minnesota identification card, or a current valid photo identification card issued by another state or a 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, voided transactions, and confiscations is a billable transaction.

Licensee: the person, corporation, company, partnership, or association to whom a license is issued under this Chapter including any agents or employees of the person, corporation, company, partnership or association.

Minor: any person under the age of 18 years.

Operating officer: the person responsible for the day-to-day operating decisions of the licensed premises.

Pawnbroker: a person, corporation, partnership, or association 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 the same back again at a stipulated price or who loans money secured by security interest on personal property, taking possession of the property or any part thereof. This Chapter does not apply to a person, corporation, partnership, or association doing business under and as permitted by any law of this State or of the United States relating to banks, building and loan associations, savings and loan associations, trust companies or credit unions.

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, redeemed or voided, or for which a unique transaction number or identifier is generated by a point-of-sale software or system, or an item is confiscated by law enforcement is a reportable transaction except:

1. 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 number which relates it to that transaction record.
2. Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold or redemption periods have expired.

~~31.03. License Required~~

~~No person, corporation, partnership, or association shall exercise, carry on or be engaged in the trade or business of pawnbroker without first obtaining a license from the City as provided in this Chapter.~~

~~31.04. Initial License Application~~

~~1. General.~~

~~Applications for pawnbrokers' licenses to be issued under this Chapter shall contain information as required on forms prescribed by the City.~~

~~2. Nature of Application.~~

~~The application shall state whether the applicant is a natural person, corporation, partnership or other form of organization.~~

~~3. Natural Person,~~

~~If applicant is a natural person, the following information shall be furnished~~

~~A True name, place and date of birth and street residence address and length of time at that address, of applicant.~~

~~B. Whether applicant has ever used or been known by a name other than his true name and, if so, what was such name or names, and information concerning dates and places where used.~~

~~C. The name of the business if it is to be conducted under a designation, name or style other than the full individual name of the applicant~~

~~D. Kind, name and location of every business or occupation applicant has been engaged in during the preceding five (5) years.~~

~~E. Names and addresses of applicant's employers and partners, if any, for the preceding five (5) years.~~

~~F. Whether applicant has ever been convicted of a felony, gross misdemeanor or misdemeanor, excluding traffic violations, and if so, the date and place of conviction and the nature of the offense.~~

~~G. If applicant has not resided in the City for three (3) years last preceding the date of application, at least four (4) character references from residents of the State of Minnesota.~~

~~4 Partnership.~~

~~If applicant is a partnership, the names and addresses of all partners and all information concerning each partner as is required of a single applicant. A managing partner, or partners, shall be designated. The interest of each partner in the business shall be disclosed.~~

~~5. Corporation.~~

~~If applicant is a corporation or other association, the following information shall be required,~~

~~A. Name and, if incorporated, the state of incorporation.~~

~~B. A true copy of the certificate of incorporation, articles of incorporation or association agreement and by laws and, if a foreign corporation, a certificate of authority as described in Minnesota Statutes~~

~~C. The name, of the operating officer or proprietor or other agent in charge of the promises to be licensed, giving all the information about said person as is required of a single applicant. As used in this Chapter, the term "operating officer" shall mean the person responsible for the day-to-day operating decisions of the licensed premises.~~

~~D. A list of all persons who, singly or together with their spouse, or a parent, brother, sister or child or either of them, own or control an interest in said corporation or association in excess of five percent (5%) or who are officers or directors of said corporation or association; together with their addresses and all information as is required of a single applicant.~~

~~6. New Manager.~~

~~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 licensee must complete and submit the appropriate application within fourteen (14) days. The applicant must include all appropriate information required in section 31.04.~~

~~7. Description of premises.~~

~~A. Legal Description.~~

~~The exact legal description of the premises to be licensed, together with a siteplot plan of the area for which the license is sought showing dimensions, location of buildings, street access, and parking facilities.~~

~~B. Street Address.~~

~~The street address of the premises for which application is made.~~

~~8. Taxes.~~

~~Whether or not all real estate taxes, assessments, or other financial claims of the City, State or Federal government for the business and premises to be licensed have been paid, and if not paid, the years for which delinquent.~~

~~9. Other Information Required.~~

~~Such other information as the City Council shall require.~~

~~31.05. Renewal Applications~~

~~1. License Period, Expiration.~~

~~Each renewal license shall be issued for a maximum period of one year.~~

~~31.06. Execution of Application~~

~~If application is by a natural person, it shall be signed and sworn to by such person; if by a corporation or company, by an officer thereof; if by a partnership, by one of the general partners; if by an incorporated association, by the operating officer or managing officer thereof. If the applicant is a partnership, the application, license and bond shall be made and issued in the name of all partners. Any false statement in an application shall result in denial of the application.~~

~~31.07. Granting Licenses~~

~~1. At the time of making an initial or renewal application, the applicant shall, in writing, authorize the Police Department to investigate all facts set out in the application and do a personal background and criminal record check on the applicant. The applicant shall further authorize the Police Department to release information received from such investigation to the City Council.~~

~~2. Each license shall be issued to the applicant only and shall not be transferable.~~

~~3. Each license shall be issued only for the premises described in the application and shall not be transferable to a different location.~~

~~4. No change in ownership, control or location of a license shall be permitted except by amendment to the license which amendment must be approved by the City Council.~~

~~5. No more than two (2) licenses shall be issued by the City at any time and priority shall be given to qualified applicants for renewal of existing license.~~

~~31.08. License Fees Established~~

~~1. Billable Transaction Fees~~

~~Licensees shall pay a monthly transaction fee on all billable transactions as specified in Chapter 11, General Provisions and fees, of the Fridley City Code. Such fee shall be due and payable within 30 days. Failure to timely pay the billable transaction fee shall constitute a violation of this section.~~

~~2. Annual Fees.~~

~~The annual license fee for licenses required by this article shall be in the amounts as specified in Chapter 11, General Provisions and Fees, of the Fridley City Code.~~

~~3. Investigation Fees.~~

~~At the time, of each original application for a license, the applicant: shall pay, in full, an investigation fee. The investigation fee shall be as specified in Chapter 11, Provisions and Fees, of the Fridley City Code.~~

~~31.09. Payment of Fees~~

~~1. Initial Fees.~~

~~The annual license and investigation fees for a new license shall be paid in full before the application for the license is accepted. Upon rejection of any application for a license or upon withdrawal of an application before approval of the issuance by the Council, the license fee only shall be refunded to the applicant except where rejection is for a willful misstatement in the license application. If any investigation outside the State of Minnesota is required, the applicant shall be charged the cost which shall be paid by the applicant, prior to issuance of a license, after deducting the initial investigation fee, whether or not the license is granted.~~

~~2. Pro Rated Fee for New Licenses.~~

~~If the application for a new license under this Chapter is made during a license year, a license may be issued for the remainder of the license year for a fee assessed proportionately by the number of months remaining in the license year. Any fraction of a month will be counted as a complete month.~~

~~No refund, reduction, or adjustment of a license fee shall be made to any licensee that ceases operation during the term of the license.~~

~~3. Renewal Fees.~~

~~The annual license fee for renewal of a license, shall be paid in full at the time the renewal application is filed with the City.~~

~~31.10. Bond Required~~

~~At the time of filing, in application for a license, the applicant shall file a bond in the amount of Five Thousand Dollars (\$5,000) with the City. The bond, with a duly licensed surety company as surety thereon, must be approved as to form by the City Attorney. Said bond must be conditioned that the licensee shall observe the ordinances of the City, in relation to the business of pawnbroker, and that the licensee, will account for and deliver to any person legally entitled thereto any articles which may have come into the possession of the licensee as pawnbroker or in lieu thereof such licensee shall pay the person or persons the reasonable value thereof.~~

~~31.11. Persons and Places Ineligible for License~~

~~1. No license shall be granted to or held by any person who:~~

~~A. Is a minor at the time the application is filed.~~

~~B. Has been convicted of any crime directly related to the occupation licensed, as prescribed by Minnesota Statutes, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a pawnbroker.~~

702.03 License Required

1. No person, corporation, partnership, or association may exercise, carry on or be engaged in the trade or business of pawnbroker without first obtaining a license from the City as provided in this Chapter.

2. No more than two licenses will be issued by the City at any time and priority will be given to qualified applicants for renewal of existing license.

3. Applications must be made with the City in the format prescribed by the City.

4. License application. The following information must be furnished:

(a) True name, place and date of birth and street residence address and length of time at that address, of applicant.

(b) Whether applicant has ever used or been known by a name other than his true name and, if so, what was such name or names, and information concerning dates and places where used.

(c) The name of the business if it is to be conducted under a designation, name or style other than the full individual name of the applicant

(d) Kind, name and location of every business or occupation applicant has been engaged in during the preceding five years.

(e) Names and addresses of applicant's employers and partners, if any, for the preceding five years.

(f) Whether applicant has ever been convicted of a felony, gross misdemeanor or misdemeanor, excluding traffic violations, and if so, the date and place of conviction and the nature of the offense.

(g) If applicant has not resided in the City for three years last preceding the date of application, at least four character references from residents of the State of Minnesota.

(h) Description of premises. Licenses are required to provide the exact legal description of the premises to be licensed, together with a site plan of the area for which the license is sought showing dimensions, location of buildings, street access, and parking facilities.

(i) Whether or not all real estate taxes, assessments, or other financial claims of the City, State or Federal government for the business and premises to be licensed have been paid. If not paid, the years for which delinquent.

(j) Partnership. If applicant is a partnership, the names and addresses of all partners and all information concerning each partner as is required of a single applicant. A managing

partner, or partners, must be designated. The interest of each partner in the business must be disclosed.

(k) Corporations and companies. If applicant is a corporation, company or other association, the following information is required:

(1) Name and, if incorporated, the state of incorporation.

(2) A true copy of the certificate of incorporation, articles of incorporation or association agreement and by-laws and, if a foreign corporation or company, a certificate of authority as described in Minnesota Statutes.

(3) The name, of the operating officer or proprietor or other agent in charge of the premises to be licensed, giving all the information about said person as is required of a single applicant.

(4) A list of all persons who, singly or together with their spouse, or a parent, sibling or child or either of them, own or control an interest in said corporation or association in excess of 5% or who are officers or directors of said corporation or association; together with their addresses and all information as is required of a single applicant.

(l) Execution of application. If application is by a natural person, it must be signed and sworn to by such person; if by a corporation or company, by an officer thereof; if by a partnership, by one of the general partners; if by an incorporated association, by the operating officer or managing officer thereof. If the applicant is a partnership, the application, license and bond must be made and issued in the name of all partners. Any false statement in an application will result in denial of the application.

(m) Such other information as the City Council, City Manager or the Public Safety Director require.

5. New manager. 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 licensee must complete and submit the appropriate application within 14 days.

6. Granting licenses.

(a) At the time of making an initial or renewal application, the applicant must, in writing, authorize the Police Division to investigate all facts set out in the application and do a personal background and criminal record check on the applicant. The applicant must further authorize the Police Division to release information received from such investigation to the City Council.

(b) Each license will be issued to the applicant only and is not transferable.

(c) Each license will be issued only for the premises described in the application and is not transferable to a different location.

(d) No change in ownership, control or location of a license will be permitted except by amendment to the license which amendment must be approved by the Council.

7. Fees. Fees for this license are set in the Fees Chapter of the Code.

(a) Licensees must pay a monthly transaction fee on all billable transactions. Such fee is due and payable within 30 days. Failure to pay the billable transaction fee will constitute a violation of this Chapter and license conditions.

(b) Initial license fees. The annual license and investigation fees for a new license must be paid in full before the application for the license is accepted. Upon rejection of any application for a license or upon withdrawal of an application before approval of the issuance by the Council, the license fee only will be refunded to the applicant except where rejection is for a willful misstatement in the license application. If any investigation outside the State of Minnesota is required, the applicant will be charged the cost of the out of state investigation, prior to issuance of a license, after deducting the initial investigation fee, whether or not the license is granted.

(c) Pro Rated Fee for New Licenses. If the application for a new license under this Chapter is made during a license year, a license may be issued for the remainder of the license year for a fee assessed proportionately by the number of months remaining in the license year. Any fraction of a month will be counted as a complete month. No refund, reduction, or adjustment of a license fee will be made to any licensee that ceases operation during the term of the license.

(d) The annual license fee for renewal of a license, must be paid in full at the time the renewal application is filed with the City. The license renewal fee is set in the Fees Chapter of the Code.

8. Bond required. At the time of filing an application for a license, the applicant must file a bond in the amount set forth in the Fees Chapter of the Code. The bond, with a duly licensed surety company as surety thereon, must be approved as to form by the City Attorney. Said bond must be conditioned that the licensee will observe the Code of the City, in relation to the business of pawnbroker, and that the licensee, will account for and deliver to any person legally entitled thereto any articles which may have come into the possession of the licensee as pawnbroker or in lieu thereof such licensee must pay the person or persons the reasonable value thereof. The bond must also contain a provision that no bond may be canceled except upon 30 days' written notice to the City.

9. To help the Police Division 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, licensed pawn businesses in the City must participate the pawn transaction database specified by the City.

No license will be grated to or held by any person who:

1. Is a minor at the time the application is filed.
2. Has been convicted of any crime directly related to the occupation licensed, as prescribed by Minnesota Statutes § 364.03, subd. 1, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a licensee under this Chapter as prescribed by Minnesota Statutes § 364.03, subd. 3.
3. Is not of good character and repute, as determined by the Council.

31.12.702.05 Conditions of License

1. Records. Every license, at the time of receipt of an article deposited, left, sold, purchased, pledged or pawned, ~~shall~~must immediately record, in English, on forms or in an electronic ~~date~~data storage and retrieval system approved by the Public Safety Director or a designee, the following information:

~~A.~~ (a) ~~A~~n complete and accurate description of the article, including but not limited to, any manufacture name, brand name, model number, serial number, identification number, or other identifying mark.

~~B.~~ (b) The amount of money received by the person pawning, pledging, or selling the article, together with the annual rate of interest and the amount required to redeem the article if it was pawned or pledged.

~~C.~~ (c) The date, time and place of receipt of the article, 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.

~~D.~~ (d) The full name, date of birth, current residence, current telephone number if possessed, and a reasonably accurate description of the person from whom the article was received including at a minimum sex, height, weight, and race, color of eyes and color of hair.

~~E.~~ (e) The identification number and state of issue from any one of the following forms of identification:

(1) Current valid driver's license;

(2) Current valid photo identification card issued by the State of Minnesota, another state or a province of Canada;

(3) Current valid military identification card; or

(4) Current valid passport.

F. ~~(f)~~ The name or unique identifier of the licensee or employee that conducted the transaction.

G. ~~(g)~~ The signature of the person identified in the transaction.

H. ~~(h)~~ The licensee must also take a color photograph or color video recording of:

(1) Each customer involved in a billable transaction.

(2) Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed to the item.

(3) If a photograph is taken, it must be at least two ~~(2)~~ inches in length by two ~~(2)~~ 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 it relates. Such photographs must be available to the Public Safety Director or his 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 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 three ~~(3)~~ months and surrendering it to the police department upon request.

I. ~~(i)~~ Effective ~~sixty (60)~~ days from notification by the police department, licensees must fulfill the color photograph requirements ~~in section 31.12.1.H~~ by submitting them as digital images in a format specified by the ~~issuing authority~~ Police Division, electronically, cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not alter or amend the requirements ~~in subdivision H~~.

J. ~~(j)~~ For renewals, extensions and redemptions, the licensee ~~shall~~ must provide the original transaction identifier, the date of the current transaction, the type of transaction.

2. Disposition Of Articles

A. ~~(a)~~ When any article of pawned or pledged property is redeemed from a licensee, the records ~~shall~~ must contain an account: of such redemption with the date, interest charges accrued, and the total amount for which the article was redeemed.

B. ~~When an article of purchased or forfeited property is sold or disposed of by a licensee and the licensee receives ~~one-hundred dollars~~ (\$100.00) or more in payment thereof, the records ~~shall~~ must contain an account of such sale with the date, and telephone number of the person to whom sold.~~

3. Inspection of Records. The records referred to in this section ~~shall~~ must be open to the inspection of the Public Safety Director or a designee at all reasonable times and ~~shall~~ must be retained by the licensee for at least three ~~(3)~~ years. Entries of required digital images ~~shall~~ must be retained a minimum of ~~ninety (90)~~ days.

4. Label Required. Licensees must attach a label to every item at the time it is pawned, purchased or received in inventory from any reportable transaction. Permanently recorded on this label must be the number or name that identifies the transaction in the pawn shop's records, the transaction date, the name of the item and the description or the model and serial number of the item as reported to the police department, whichever is applicable, and the date the item is out of pawn or can be sold, if applicable. Labels ~~shall~~ may not be reused.

5. Receipt. Every licensee must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for three ~~(3)~~ years. The receipt must include at least the following information:

A. ~~(a)~~ The name, address and telephone number of the licensed business.

B. ~~(b)~~ The date and time the item was received by the licensee.

C. ~~(c)~~ Whether the item was pawned or sold, or the nature of the transaction.

D. ~~(d)~~ An accurate description of each item received including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such ~~an~~ item.

E. ~~(e)~~ The signature of unique identifier or the licensee or employee that conducted the transaction.

F. ~~(f)~~ The amount advanced or paid.

G. ~~(g)~~ The monthly and annual interest rates, including all pawn fees and charges.

H. ~~(h)~~ The last regular day of business by which the item must be redeemed by the pledgor without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date.

I. ~~(i)~~ The full name, current residence address, current ~~residence~~-telephone number, and date of birth of the pledgor or seller.

J. ~~(j)~~ The identification number and state of issue of any of the following forms of identification of the seller:~~from an acceptable form of identification.~~

(1) Current valid Minnesota driver's license;

(2) Current valid Minnesota identification card;

(3) Current valid photo driver's license or identification card issued by another state or Canadian province;

(4) Current valid military identification card; or

(5) Current valid passport.

~~K.~~ (k) Description of the pledgor or seller, including sex, height, weight, race, color of eyes and color of hair.

~~L.~~ (l) The signature of the pledgor or seller.

~~M.~~ (m) All printed statements as required by Minnesota ~~State~~ Statute § 325J.04, subdivision-subd. 2, or any other applicable statutes or rules.

6. Daily Reports to Police

~~A.~~ (a) Unless otherwise authorized by the Police ~~Department~~ Division, licensees must provide to the Police ~~Department~~ Division the information required in ~~Section 31.12.1~~ Section 702.05 (1) by transferring that information from their computer to the Police ~~department~~ Division via modem to the pawn reporting software via modem using the current version of the pawn reporting software. 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 City ~~of Fridley~~ using a dial callback protocol or other procedures that address security concerns of the licensees and the City ~~of Fridley~~. The licensee must display a sign of sufficient size, in a conspicuous place on the premises, which informs all patrons that all transactions are reported to the Police ~~Department~~ Division daily.

~~B.~~ (b) Licensees will be charged monthly for billable transactions at the current rate established by the ~~City~~ Council.

~~C.~~ (c) If a licensee is unable to successfully transfer the required reports to the pawn reporting software ~~by modem~~, the licensee must provide the Police ~~Department~~ Division printed copies of all reportable transactions along with the video tape(s) for that date by ~~12:00 o'clock~~ noon the next business day. 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 license must provide the required reports as provided for herein, but may be charged a reporting failure penalty, established by the ~~City~~ Council, each day until the error is corrected. If the problem is determined to be outside the licensee's system, the licensee must continue to provide the information as provided herein, and resubmit all such transactions via the pawn reporting software ~~modem~~ when the error is corrected

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~~must upload every reportable transaction from every business day the problem existed.

~~D. — (d)~~ If a licensee is unable to capture, digitize or transmit the photographs required in Section ~~31.12.1 702.05 (1)~~ the licensee must immediately take all required photographs with a ~~still~~ camera, ~~immediately develop the pictures,~~ cross reference the photographs to the correct transaction, and deliver them to the Police ~~Department~~Division by ~~12:00 o'clock~~ noon the next business day. Licensees may be subject to an additional charge for each photograph submitted in this manner after the close of the first business day following failure.

~~E. — (e)~~ Notwithstanding any other provisions herein, the Public Safety Director ~~or a designee, or his designee,~~or a designee, upon presentation of extenuating circumstances, may extend the period before any additional charges are imposed for the manual reporting of billable transactions.

7. Redemption Period

Any person pledging, pawning or depositing an article for security ~~shall~~must have a minimum of ~~ninety (90)~~ days from the date of that transaction to redeem the article before it may be forfeited and sold. During the ~~ninety (90)~~ day holding period articles ~~shall~~may not be removed from the licensed premises.

Licensees are prohibited from redeeming any article of property to anyone other than the person to whom the receipt was issued; or to any person identified in a written and notarized authorization to redeem the article(s) of property identified in the receipt; or to a person identified in writing by the pledgor at the time of the initial transaction and signed by the pledgor; or with the approval of the Public Safety Director or a designee. Written authorization for release of articles of property to persons other than the original pledgor must be maintained along with the original transaction record.

8. Holding Period

No article of property pledged, pawned or on deposit for security with any licensee ~~shall~~may be permitted to be redeemed for a period of ~~seventy-two (72)~~ hours from the date of transaction, excluding Sundays and holidays, except upon written authorization of the Public Safety Director or a designee.

No article of property purchased by a licensee may be sold or otherwise disposed of for ~~thirty (30)~~ days from the date of the transaction except that articles of property for which there exists a valid certificate of title issued by the State of Minnesota, showing ownership and registration by the person from whom the article was received, may be sold or otherwise disposed of ~~ten (10)~~ days from the date of transaction.

9. Police Restrictions on Sale or Redemption

A.—(a) Investigative Hold. Whenever a law enforcement official from any agency, acting in the course and scope of ~~his or her~~their duties, notifies a licensee not to sell or permit to be redeemed an article of property in the licensee's possession, the article may not be sold, redeemed or removed from the premises by the licensee. The Investigative Hold ~~shall~~must be confirmed in writing by the originating agency within ~~seventy-two~~(72) hours and will remain in effect for ~~fifteen~~(15) days from the date of notification, or until the hold is cancelled, or until a Police Hold is issued pursuant to ~~section 31.12.9.B~~702.05 (9) (b), or until the article is confiscated, whichever comes first.

B.—(b) Police Hold. Whenever the Public Safety Director or a designee notifies a licensee not to sell or permit to be redeemed an article of property in the licensee's possession, the article may not be sold, redeemed or removed from the premises by the licensee. The Police Hold ~~shall~~must be confirmed in writing within ~~seventy-two~~(72) hours and will remain in effect for ~~ninety~~(90) days from the date of notification unless the Public Safety Director or a designee determines the hold is still necessary and notifies the licensee in writing. When a Police Hold is no longer needed the Public Safety Director or a designee ~~shall~~will so notify the licensee.

C.—(c) Confiscation. If an article of property in the licensee's possession is determined to be stolen, it may be confiscated and seized as evidence by any police officer. A request for restitution from any person charged in regards to the stolen property confiscated ~~shall~~will be made on behalf of the licensee. When an article of property is confiscated, the person doing so ~~shall~~must provide identification upon request of the licensee, and ~~shall~~must complete a confiscation report providing at a minimum the name and telephone number of the confiscating agency and investigator, and the case number of the police report related to the confiscation. The confiscation report ~~shall~~must be included with the daily reports to police, submitted by the licensee, for review by the Public Safety Director or a designee.

10. Payment by Check. Payment of more than ~~five hundred dollars~~(\$500.00) by any licensee for any article deposited, left, purchased, pledged or pawned ~~shall~~may be made only by a check, draft or other negotiable or nonnegotiable instrument or order of withdrawal which is drawn against funds held by a financial institution.

11. Posting License. All licensees ~~shall~~must post their licenses, in a conspicuous place, in the licensed premises under the licensed activity.

12. Responsibility of Licensee. The conduct of agents or employees of a licensee, while engaged in performance of their duties for their principal or employer under such license, ~~shall~~will be deemed the conduct of the licensee.

13. Penalty for Property Owner. It is unlawful for any person who owns or controls any real property to knowingly permit it to be used for pawnbroking without a license required by this Chapter.

14. Business at Only One Place. A license under this Chapter authorizes the licensee to carry on its business only at the permanent place of business designed in the license. However, upon written request, the Public Safety Director or a designee may approve an off-site locked and secure storage facility. The licensee ~~shall~~must permit inspection of the facility in accordance with Section ~~31.13.702.06~~31.14.07. All provisions of this Chapter regarding record keeping and reporting apply to the facility and its contents. Articles of property ~~shall~~must be stored in compliance with all provisions of the ~~City~~Code.

~~31.13.702.06~~ Restricted Transactions

1. No licensee ~~shall~~may be open for the transaction of business on any day of the week before 7:00 a.m. or after 10:00 p.m.
2. No licensee ~~shall~~may purchase, accept, or receive any article of property from any minor or from any person of unsound mind or from an intoxicated person.
3. No licensee ~~shall~~may purchase, accept, or receive any article of property which contains an altered or obliterated serial number or an article of property whose serial number has been removed.
4. No licensee may purchase, accept, or receive any article of property knowing, or having reason to know, that the article of property is encumbered by a security interest. For the purpose of this section "security interest" means an interest in property which secures payment or other performance of an obligation.
5. No licensee ~~no~~nor any agent or employee of a licensee ~~shall~~may purchase, accept, or receive any article of property from any person knowing, or having reason to know, that said person is not the true and correct owner of the property.
6. No licensee nor any agent or employee of a licensee ~~shall~~may purchase, accept, or receive any article of property, from any person, without first having examined an acceptable form of identification.

~~31.14.702.07~~ Inspection

1. Premises. Any licensee ~~shall~~must, at all times during the term of the license, allow Public Safety Director or a designee to enter the premises, where the licensee is carrying on business, including all off-site storage facilities ~~as authorized in Section 31.12.14~~, during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the articles and records therein to locate goods suspected or alleged to have been stolen and to verify compliance with this Chapter or other applicable laws. No licensee ~~shall~~may conceal any article in the licensee's~~his~~ possession from the Public Safety Director or a designee.
2. Inspection by Police or Claimed Owner. All articles of property coming into the possession of any licensee, under the terms hereof, ~~shall~~must be open to inspection and right of examination of any police officer or any person claiming to have been the owner thereof or claiming to have had an interest therein when such person is accompanied by a police officer.

~~31.15.702.08~~ Conduct of Persons on Licensed Premises

1. No person may pawn, pledge, sell, leave, or deposit any article of property not their own; nor ~~shall may~~ any person offer or attempt to pawn, pledge, sell, leave, or deposit the property of another, whether with permission or without, nor ~~shall may~~ any person pawn, pledge, sell, leave or deposit any article of property in which another has a security interest; with any licensee.

2. No minor may pawn, pledge, sell, leave, or deposit any article of property with any licensee.

3. No person may pawn, pledge, sell, leave, or deposit any article of property with any licensee without first having presented an acceptable form of identification.

4. All licensees ~~shall must~~ by adequate signage and separate written notice inform persons seeking to pawn, pledge, sell, leave, or deposit articles of property with the licensee of the foregoing requirements.

5. For the purpose of this section "adequate signage" ~~shall be is~~ deemed to mean at least one sign, of not less than four ~~(4)~~ square feet in surface area, comprised of lettering of not less than ~~three-quarters (3/4)~~ of an of one inch in height, posted in a conspicuous place on the licensed premises and stating substantially the following:

TO PAWN OR SELL PROPERTY:

YOU MUST BE AT LEAST 18 YEARS OF AGE.

YOU MUST BE THE TRUE OWNER OF THE PROPERTY.

THE PROPERTY MUST BE FREE OF ALL CLAIMS AND LIENS.

YOU MUST PRESENT VALID PHOTO IDENTIFICATION.

VIOLATION OF ANY OF THESE REQUIREMENTS IS A CRIME.

6. For the purpose of this section "separate written notice" ~~shall be is~~ deemed to mean either the receipt, ~~as required in Section 31.12.5,~~ or a printed form, incorporating a statement to the effect that the person pawning, pledging, selling, leaving, or depositing the article is at least ~~eighteen (18)~~ years of age; is the true owner of the article; and that the article is free of all claims and liens; which is acknowledged by way of signature of the person pawning, pledging, selling, leaving, or depositing the article.

7. No person seeking to pawn, pledge, sell, leave, or deposit any article of property with any licensee ~~shall may~~ give a false or fictitious name; nor give a false date of birth; nor give a false or out of date address of residence or telephone number; nor ~~or~~ present a false driver's license or identification card; to any licensee.

~~31.16-702.09~~ Corporations, Companies, Partnerships or Associations

1. Licenses issued to ~~corporations~~corporations and companies ~~shall beare~~ valid only as long as there is no change in the officers or ownership interest of the corporation or company unless such change is approved by the Council, in which event said license ~~shall will~~ continue in force until the end of the then current license year. Failure to report any change in stockholders, officers, or managers ~~shall beare~~ grounds for the revocation of all licenses held by the corporation or company. Every corporation or company licensed under the provisions of this ~~section-Chapter~~ ~~shall must~~ adopt and maintain in its bylaws a provision that no transfer of stock is valid or effective unless approved by the ~~City~~ Council and ~~shall require requires~~ that all of its certificates of stock ~~shall must~~ have printed on the face thereof: "the transfer of this stock certificate is invalid unless approved by the City Council of Fridley, Minnesota," and failure to comply with this provision ~~shall beis~~ grounds for the revocation of all licenses held by the corporation or the company. The provisions of this ~~section-Chapter~~ ~~shall do~~ not apply to the issuance of any license to a corporation or company whose stock is traded on a public stock exchange.

2. Licenses issued to associations or partnerships ~~shall beare~~ valid only as long as there is no change in the partnership or association agreement or in the ownership of said partnership or association unless such change is approved by the Council, in which event said license ~~shall will~~ continue in forced until the end of the then current license year.

3. Corporations, companies, partnerships or associations ~~shall must~~ submit written notice to the City of any such changes described herein on or before ~~thirty (30)~~ days prior to the effective date of any such change. In case of a corporation or company, the licensee ~~shall must~~ submit written notice to the City when a person not listed in the initial application will be acquiring an interest and ~~shall be~~ given all information about said person as is required of a person pursuant to the provisions of this Chapter.

~~31.18-702.10~~ Refusal, Suspension or Revocation

1. It is unlawful for any applicant to make a false statement or omission upon any application form. Any false statement in such application, or any omission to state any information called for on such application form, ~~shall will~~ upon discovery of such falsehood, work an automatic ~~denialrefusal~~ of the license by the City, or if already issued, ~~shall will~~ render any license issued pursuant thereto, ~~revokedvoid~~. Prior issuance is no ~~defenseeffect~~ to protect the applicant from prosecution for violation of this section or any part hereof.

2. The ~~City~~ Council may suspend or revoke a license issued under this Chapter for operation on any premises on which real estate taxes, assessments or other financial claims of the City or of the State are delinquent, or unpaid.

3. The ~~City~~ Council may suspend or revoke a license issued under this Chapter upon a finding of a violation of any of the provisions of this Chapter or any State Statute regulating pawnbrokers. Any conviction by the pawnbroker for theft, receiving stolen property or any other crime or violation involving stolen property ~~shall will~~ result in the immediate suspension

of the license pending a hearing before the Council on revocation of ~~the~~any license ~~issued~~ hereunder.

4. Except in the case of a license suspension pending a hearing on revocation, a revocation or suspension of a license by the Council ~~shall~~must be preceded by a public hearing. The hearing notice ~~shall~~must be given to the licensee and published in the Official Publication at least ~~ten~~ (10) days prior to the hearing, include notice of the time and place of the hearing, and ~~shall~~ must state the nature of the charges against the licensee.

31.19. PENALTY.

~~Violation of any provision of this article shall be a misdemeanor.~~

Section 4

Amending Fridley City Code Chapter 125 (Massage Therapy Licensing).

Fridley City Code

Chapter ~~125.703~~ Massage Therapy Businesses and Massage Therapists~~Therapeutic Massage~~

~~125.01.703.01~~ Purpose and Findings

~~1. Purpose. The purpose of this chapter of the city code is to prohibit the operation of massage businesses and the offering of massage services to the public except by those licensed as massage therapy businesses and massage therapists pursuant to this chapter. The licensing regulations prescribed herein are necessary in order to protect legitimate businesses, to prevent criminal activity, and to protect the health and welfare of the community. The purpose of this section is not to impose restrictions or limitations on the freedom of protected speech or expression.~~

~~2. Findings of the City Council. The city council makes the following findings regarding the need to license massage therapy businesses and massage therapists and to prohibit all other types of massage businesses and services to the public:~~

- ~~A. Persons who have bona fide and standardized training in therapeutic massage, health, and hygiene can provide a legitimate and necessary service to the general public.~~
- ~~B. Health and sanitation regulations governing massage therapy businesses and therapists can minimize the risk of the spread of communicable diseases and can promote overall health and sanitation.~~
- ~~C. Establishing license qualifications for massage therapy businesses and therapists can minimize the risk that such businesses and persons will facilitate prostitution and other criminal activity in the community.~~
- ~~D. Massage therapy businesses which employ persons with no specialized and standardized training can tax law enforcement services because such businesses are more likely to be operated as fronts for prostitution and other criminal activity than operations established by persons with standardized training.~~
- ~~E. The training of professional massage therapists at accredited institutions is an important means of ensuring the fullest measure of protecting the public health, safety, and welfare.~~

The purpose of this Chapter of the Fridley City Code (Code) is to establish regulatory oversight of massage therapy services by prohibiting the operation of massage businesses and the provision of massage services except by those properly licensed as massage enterprises and massage therapists pursuant to State law and this Chapter. This licensing framework is implemented in

recognition that practitioners with legitimate and standardized training in therapeutic massage provide essential services while presenting minimal public health risks, whereas establishments employing individuals without specialized credentials demonstrate a higher propensity to function as fronts for illicit activities and disproportionately burden law enforcement resources. Through comprehensive health and sanitation regulations and rigorous licensing qualifications, this Chapter aims to protect legitimate businesses, prevent criminal activity, mitigate the transmission of communicable diseases and ultimately safeguard the health, safety, and welfare of the community, with the professional education of massage therapists at accredited institutions serving as a critical mechanism for ensuring these protections.

125.02.703.02 Definitions

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

Accredited institution: ~~an educational institution holding accredited status with a state or federally recognized accrediting agency~~an educational institution holding accredited status with the United States Department of Education.

Accredited program: ~~a massage therapy program accredited by an educational institution holding accredited status in the field of massage therapy with a state or federally recognized accrediting agency~~a professional massage program accredited by the Commission on Massage Therapy Accreditation (COMTA).

Advertise: to publish, display, broadcast or disseminate information by any means that can be reasonably construed as an advertisement.

Clean: the absence of dirt, grease, rubbish, garbage, and other offensive, unsightly or extraneous matter.

Good repair: free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks obstructions and similar defects ~~so as to~~ constitute a good and sound condition.

Issuing authority: the Fridley City Council (Council).

Massage or massage services: any method of pressure on, or friction against, or the rubbing, stroking, kneading, tapping, pounding, vibrating, stimulating, or rolling of the external parts of the human body with the hands, arms, elbows or feet, or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations.

Operate: to own, manage or conduct, or to have control, charge or custody over.

Person: any individual, firm, entity, association, partnership, corporation, joint venture or combination of individuals.

~~Massage therapy business~~Therapeutic Massage Enterprise: a person or entity which operates a business ~~which that~~ hires or contracts with massage therapists licensed by the ~~city~~City to provide massage services to the public. The owner/operator of a massage ~~therapy business~~enterprise need not be licensed as a massage therapist if ~~he or she~~they ~~does do~~ not ~~at any time~~ practice or administer massage to the public. A massage ~~therapy business~~enterprise may employ other individuals such as cosmetologists and estheticians, and these individuals are not required to have a massage therapist license, as long as they are not providing massage services to the public.

~~Massage therapist~~Therapeutic Massage Therapist: an individual who practices or administers massage to the public ~~for a licensed massage enterprise in the City~~for consideration.

~~125.03.703.03~~ License Required

~~1. Massage Therapy Business~~Therapeutic Massage Enterprise License. It ~~shall be~~is unlawful for any person or entity to own, operate, engage in, or carry on, within the ~~city~~City, any type of business offering massage services to the public for compensation without first having obtained a ~~Massage therapy business~~Therapeutic Massage Enterprise License from the City pursuant to this ~~section~~Chapter.

~~2. Massage Therapist~~Therapeutic Massage License. It ~~shall be~~is unlawful for any individual to practice, administer, or provide massage services to the public for compensation within the ~~city~~City without first having obtained a Massage Therapist License from the ~~city~~City pursuant to this ~~section~~Chapter. Only duly licensed massage therapists may practice or administer massage to the public for a licensed massage enterprise in the City.

~~125.04.703.04~~ Exceptions

~~1. A Massage therapy business~~Therapeutic Massage Enterprise or ~~massage therapist~~Therapeutic Massage Therapist ~~license~~License is not required for the following persons and places:

~~1.(a)~~ Persons duly licensed in ~~this state~~the State to practice medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry, provided the massage is administered by the individual in the regular course of the medical business and not provided as part of a separate and distinct ~~Massage Therapy Business~~massage enterprise.

~~2.(b)~~ Persons duly licensed by ~~this state~~the State as beauty culturists or barbers, provided such persons do not hold themselves out as giving massage treatments and provided the massage by beauty culturists is limited to the head, hand, neck, and feet and the massage by barbers is limited to the head and neck.

~~3.(c)~~ Persons hired or employed by a person duly licensed by ~~this state~~the State pursuant to Minnesota Statutes (M.S.) Chapters 147 or 148 ~~(including, but not limited to, doctors, nurses, chiropractors, physical therapists, athletic trainers, doulas and occupational therapists)~~, or a dental professional licensed under M.S. Chapter 150A. Such persons ~~shall only be~~are authorized to provide massage services on the business premises of the employer.

~~4.(d)~~ Places duly licensed or operating as a hospital, nursing home, hospice, ~~sanitarium~~long-term care, ~~specialized treatment~~, or group home established for the hospitalization or care of human beings.

~~5.(e)~~ Students of an accredited institution who are performing massage services in the course of a clinical component of an accredited program of study, provided that the students are performing the massage services at the location of the accredited institution and provided the students are identified to the public as students of massage therapy. Students of an accredited institution may perform massage services at clinics or other facilities located outside of the accredited institution provided that they have at least 150 hours of certified therapeutic massage training at the accredited institution prior to performing the massage services outside of the institution, have proof of liability insurance, and are identified to the public as a student of massage therapy.

~~(f)6.~~ Persons or organizations providing temporary massage services such as "chair massages" provided the following requirements are met:

~~A.(1)~~ The massage is provided in a place of business where the massage can easily be seen by any employee or visitor on the premises;

~~B.(2)~~ The location does not hold a license to sell alcoholic beverages;

~~C.(3)~~ Massages are offered at the location no more than ~~ten~~(10) days per calendar year;

~~D.(4)~~ Each recipient of a massage remains in an upright position, either sitting or standing; and

~~E.(5)~~ Each recipient of a massage remains in the normal daytime attire worn when entering the business and does not remove any clothing except outward such as a coat or jacket.

~~125.05. License Application~~

~~Licenses shall expire on April 30th of each year. All applicants shall complete and submit the requisite license application form provided by the City and provide all information required there, as well as comply with providing the following information:~~

~~1. Massage Therapy Business License Application. An application for a massage therapy business license shall be made on a form supplied by the City Clerk and shall include the following information:~~

~~A. For all massage therapy business license applicants:~~

~~(1) Proof that the proposed business location meets the zoning requirements of the City's zoning code.~~

~~(2) Whether the applicant is an individual, partnership, corporation or other form of organization.~~

~~(3) The legal description of the premises to be licensed together with a site plan showing dimensions, location of buildings, street access, and parking facilities.~~

~~(4) The floor number, street number, suite number(s) and rooms where the massage services are to be conducted.~~

~~(5) Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application shall be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed. If the plans for design are on file with the City's building and inspection department, no plans need be submitted to the City.~~

~~(6) Whether all city utilities, real estate and personal property taxes that are due and payable for the premises to be licensed have been paid. If the applicant is in arrears for the payment of the same, the applicant shall state the time period and amount of delinquent taxes and utilities in arrears.~~

~~(7) All applications for licenses shall be signed and notarized. If the application is that of a natural person, it shall be signed and notarized by such person; if by a corporation, by an officer thereof; if by an incorporated association, by the manager or officer thereof; if by a limited liability company (LLC), by a member thereof. Any falsification of information on the license application shall result in the denial, suspension or revocation of the license.~~

~~(8) The amount of investment the applicant has invested in the business, buildings, premises, fixtures, furniture and equipment, and proof of the source of such investment. If a partnership, corporation, or other form of organization, the names and addresses of any other persons investing in the business, building, premises, fixture, furniture and equipment, the amount of their investment, and proof of the source of such investment.~~

~~(9) Whether the applicant has had an interest in, as an individual or as part of a corporation, limited liability company, partnership, association, enterprise, business or firm, a massage therapist or massage business license issued by any city, county, or other licensing entity that was denied or recommended for denial, suspended, revoked or not renewed within the last five (5) years from the date the license application is submitted to the City.~~

~~(10) Such other information as City staff or the city council shall require.~~

~~B. Individuals. For massage therapy business license applicants who are individuals:~~

~~(1) Full name, all aliases used, full address, phone number, and email address.~~

~~(2) Proof of whether the applicant is a citizen of the United States, a resident alien or has the legal authority to work in the United States.~~

~~(3) Whether the applicant is currently licensed in other communities to perform massage therapy, and if so, where.~~

~~(4) Names of the applicant's employers for the preceding five (5) years along with the dates for such employment, occupations, employer's addresses and contact information, including phone numbers and email addresses.~~

~~(5) Whether the applicant has ever been convicted of any felony, crime, or violation of any ordinance other than a minor traffic offense. If so, the applicant shall furnish information as to the time, place and offense for each conviction.~~

~~(6) Whether the applicant has ever been engaged in the operation of a massage therapy business or worked as a massage therapist. If so, applicant shall furnish information as to the name, place and length of time of the involvement in such an establishment and/or work as a massage therapist and state if the applicant has ever had a massage business or therapist license denied or recommended for denial, suspended, revoked, or not renewed in any other city.~~

~~(7) A list of residential address at which the applicant has lived for the preceding five (5) years.~~

~~(8) Whether the applicant has had an interest in, as an individual or as part of a partnership, corporation, or other form of organization that has had a massage license revoked or suspended within the last five (5) years of the date of the license submitted to the City.~~

~~C. Partnerships. For massage therapy business license applicants that are partnerships:~~

~~(1) The names of all general and limited partners and all information concerning each general partner as is required for individual license applicants.~~

~~(2) The managing partner(s) shall be so designated.~~

~~(3) The interest of each general and limited partner in the business shall be disclosed.~~

~~(4) A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name under Minn. Stat. § 333.02, a certified copy of such certificate shall be submitted.~~

~~D. Corporations, Limited Liability Companies and Other Organizations or Entities. For massage therapy business license applicants that are corporations, limited liability companies or other types of organizations:~~

~~(1) The name of the organization, and if incorporated, the date and state of incorporation.~~

~~(2) A true copy of the certificate of incorporation, and, if a foreign corporation, a certificate of authority as described in Minn. Stat. § 303.02.~~

~~(3) The name of the general manager, corporate officers, and proprietor or other person in charge of the premises to be licensed, and all the information about said persons required for individual license applicants.~~

~~(4) A list of all persons who own or have a controlling interest in the corporation or organization or who are officers of said corporation or organization, together with their addresses and all the information regarding such persons.~~

703.05 Therapeutic Massage Enterprise License Application

1. An application for a Therapeutic Massage Enterprise License must be made on a form supplied by the City Clerk and must include the following information:

(a) Proof that the proposed business location meets the zoning requirements of the zoning chapters of the Code.

(b) Proof the premises where the business is located is in full compliance with the State Building Code and the state Fire Code as well as other relevant provisions of the Code.

(c) Proof where the business is located has a separate, distinct, front-facing entrance if it is located within a building with multiples offices, suites or stores.

(d) Whether the applicant is an individual, partnership, corporation, company, or other form of organization.

(e) The legal description of the premises to be licensed together with a site plan showing dimensions, location of buildings, street access and parking facilities.

(f) The floor number, street number, suite number(s) and rooms where the massage services are to be conducted.

(g) Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed. If the plans for design are on file with the City's Building Official, no plans need be submitted to the City.

(h) Whether all City utilities, real estate and personal property taxes that are due and payable for the premises to be licensed have been paid. If the applicant is in arrears for the payment of the same, the applicant must state the time period and amount of delinquent taxes and utilities in arrears.

(i) The amount of investment the applicant has invested in the business, buildings, premises, fixtures, furniture and equipment, and proof of the source of such investment. If a partnership, corporation, or other form of organization, the names and addresses of any other persons investing in the business, building, premises, fixture, furniture and equipment, the amount of their investment and proof of the source of such investment.

(j) Whether the applicant has had an interest in, as an individual or as part of a corporation, limited liability company, partnership, association, enterprise, business or firm, a massage therapist or massage business license issued by any city, county, or other licensing entity that was denied or recommended for denial, suspended, revoked or not renewed within the last five years from the date the license application is submitted to the City.

(k) Such other information as City staff or the Council may require.

2. Additional application materials required for partnerships applying for a Therapeutic Massage Enterprise License:

(a) The names of all general and limited partners and all information concerning each general partner as is required for individual license applicants.

(b) The managing partner(s) must be so designated.

(c) The interest of each general and limited partner in the business must be disclosed.

(d) A true copy of the partnership agreement must be submitted with the application. If the partnership is required to file a certificate as to a trade name or assumed name under M.S. § 333.02, a certified copy of such certificate must be submitted.

3. Additional application materials required for corporations, limited liability companies and other organizations or entities applying for a Therapeutic Massage Enterprise License:

(a) The name of the organization, and if incorporated, the date and state of incorporation.

(b) A true copy of the certificate of incorporation, and, if a foreign corporation, a certificate of authority as described in M.S. § 303.08.

(c) The name of the general manager, corporate officers and proprietor or other person in charge of the premises to be licensed, and all the information about said persons required for individual license applicants.

(d) A list of all persons who own or have a controlling interest in the corporation or organization or who are officers of said corporation or organization, together with their addresses and all the information regarding such persons.

4. Applicants are required to attend the Council meeting at which their initial application will be considered.

(a) The City Clerk will notify the applicant of the scheduled Council meeting date at least 10 business days in advance.

(b) Applications for applicants who do not attend the Council meeting will be denied without prejudice, allowing the applicant to resubmit their application for consideration at a subsequent Council meeting.

(c) The Council may, in its sole discretion, waive this requirement upon written request demonstrating extraordinary circumstances that prevent the applicant's attendance.

703.06 Therapeutic Massage Therapist License Application

1. An application for a Therapeutic Massage Therapist License ~~shall~~must be made on a form supplied by the City Clerk and ~~shall~~must include the following information:

~~A.~~(a) The applicant's full name, all aliases, full residential address, home telephone number, cell phone number, and email address.

~~B.~~(b) The applicant's residential addresses for the previous five ~~(5)~~ years.

~~C.~~(c) The name of applicant's current employer, full address, and length of time employed.

~~D.(d)~~ The names, address, occupations, dates of employment and contact information for the applicant's employers for the previous five (5) years.

~~E.(e)~~ The applicant's birth date, physical description, including weight, height, color of eyes, and color of hair. The applicant ~~shall~~ must provide an-a legible and enlarged color photocopy of the front and back of the applicant's driver's license or state-issued I.D. ~~front and back~~, or any other government-issued photo identification. ~~If the photocopy is unacceptable to the police chief, or designee, the police department may take photographs for the file.~~

~~F.(f)~~ Whether the applicant has ever been convicted of any felony, crime, or violation of any ordinance other than a minor traffic offense and, if so, the time, place, and offense for each conviction.

~~G.(g)~~ Whether the applicant has had an interest in, as an individual or as part of a corporation, limited liability company, partnership, association, enterprise, entity, business or firm, a massage license that was denied or recommended for denial, suspended, revoked or not renewed within the last five ~~(5)~~ years from the date the license application is submitted to the City.

~~H.(h)~~ The names, residential and business addresses, and current contact information, including a phone number, for three ~~(3)~~ residents within the metropolitan area, of good ~~moral~~ character, not related to the applicant or financially interested in the premises of the business, who may be referred to attest to the applicant's character.

~~I.(i)~~ Proof of whether the applicant is a U.S. citizen, resident alien, or has the legal authority to work in the United States.

~~J.(j)~~ Proof that the applicant has met the following requirements:

(1) Is affiliated with, employed by, or owns a business licensed as a massage ~~therapy~~ business enterprise by the City.

(2) Provides proof that the applicant has met the academic requirements by providing the following:

~~a.((a))~~ A certified copy of a transcript of academic record from an accredited program or accredited institution that has been approved by the City; and

~~b.((b))~~ A copy of the diploma or certificate of graduation from an accredited program or accredited institution approved by the City. The accredited program or accredited institution must confirm that the applicant has successfully completed a minimum of 600 hours of certified therapeutic massage training with content

that includes the subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice from the same accredited program or accredited institution; and

~~€.(c))~~ Proof of current insurance coverage of ~~\$1,000,000.00~~ \$1 million for professional liability in the practice of massage;

~~(3) In lieu of the academic requirement listed herein, the applicant may provide proof of passage of the National Certification Exam offered by the National Certification Board for Therapeutic Massage and Bodywork and a minimum of seven (7) years of full-time work experience as a massage therapist within the United States. The applicant is still required to provide proof of compliance with the remaining provisions of this section.~~

~~K.(k)~~ Whether the applicant is currently licensed in other states or communities to perform massage therapy, and if so, where as well as whether the applicant has ever had a massage-related license denied or recommended for denial, suspended, revoked, or not renewed in any other community.

~~L.(l)~~ Whether the applicant has ever been engaged in the operation of a massage ~~therapy business~~ enterprise, and if so, information as to the name, place, dates and length of time of the involvement in such a business, including whether the business has ever had a license for the business denied or recommended for denial, suspended, revoked, or not renewed.

~~M.(m)~~ Such other information as the ~~city council~~ Council or staff ~~shall~~ may require for the purpose of approving the license.

~~125.06.703.07~~ Term and Renewal of License

1. Licenses ~~shall be~~ are issued for a term of one year. All ~~massage therapy business and massage therapist~~ Therapeutic Massage Enterprise and Therapeutic Massage Therapist licenses ~~shall~~ expire on April 30th of each year. Licenses are non-transferable.

2. An application for ~~a~~ renewal of a ~~massage therapy business or massage therapist license~~ Therapeutic Massage Enterprise License or Therapeutic Massage Therapist License ~~shall~~ must be made in the same manner as the original application. The license and investigative fees ~~shall be the same as the initial license application set forth in Chapter 11 of this code~~ are established in the Fees Chapter of the Code.

3. If the license holder is a corporation and there is a change in ownership, a new license application ~~shall~~ must be submitted to the City within ~~thirty (30)~~ days whenever more than ~~ten percent (10%)~~ of the corporation's stock is transferred. If the license holder is a partnership and there is a change in ownership, a new license application ~~shall~~ must be submitted to the

City within ~~thirty (30)~~ days whenever a partner is added to the partnership. If the license holder is a limited liability company and there is a change in ownership, a new license application shall must be submitted to the City within ~~thirty (30)~~ days whenever a transfer occurs of a transferable interest in the limited liability company.

~~125.07. License Fee~~

~~The fees for massage therapy business and massage therapist licenses shall be set in Chapter 11 of this code. An investigation fee shall be charged for massage therapy business and massage therapist licenses as set in Chapter 11 of this code. Each application for a license shall be accompanied by payment in full of the required license and investigation fees. An application shall be deemed incomplete unless it is accompanied with the required fees, all documentation required by this section, and is completed in its entirety.~~

~~125.08. License Application Investigation and Verification~~

~~All applications shall be referred to the police chief, or designee, and such other city departments as the city manager shall deem necessary for verification and investigation of the facts set forth in the application. The police chief, or designee, is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry and/or a driver's license history inquiry on the application. The police chief, or designee, is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension's Computerized Criminal History information system in accordance with BCA policy. The police chief, or designee, and other consultants shall make a written recommendation to the City Council as to the issuance or non-issuance of the Massage Therapy Business or Massage Therapist license. The city council may order and conduct such additional investigation as it deems necessary. Upon completion of its investigation the city council shall grant or deny the license following the process found the License, Denial or Revocation Section of this Chapter.~~

~~No investigation fee in part or whole shall be refunded. Out of state investigations shall require the applicant to pay actual out-of-pocket expenses. A deposit for an out-of-state investigation shall be required in advance as set forth in Chapter 11. The applicant shall be refunded any unused deposit upon completion of the investigation if the application is denied.~~

703.08 Background Investigations for Massage Licensing

1. Authority and Scope of Investigations. All applications for massage licenses will be investigated by the Public Safety Director or a designee for verification and investigation of the facts set forth in the application in accordance with M.S. Chapter 299C.

2. Criminal History Check Requirements. The criminal history investigation must consist of:

(a) A criminal history check of the state criminal records repository

(b) A national criminal history check conducted through the Federal Bureau of Investigation.

3. Application Process and Responsibilities. The applicant must provide:

(a) A signed criminal history records check consent form for both state and national criminal history checks

(b) A full set of classifiable fingerprints

(c) All required fees as established by the Bureau of Criminal Apprehension

4. Data Access and Processing. The Public Safety Director or a designee is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension's Computerized Criminal History information system in accordance with BCA policy. Upon receipt of the criminal history results from the BCA, the City will use this information to determine whether the applicant is disqualified from licensure under applicable city ordinances and state law.

5. Additional Investigative Authority. The Public Safety Director or a designee is empowered to conduct any and all additional investigations deemed necessary to verify the information on the application, including but not limited to driver's license history inquiries and verification of other information provided in the application.

6. Failure to Cooperate. An applicant's failure to cooperate with the City in conducting the required criminal history records check constitutes reasonable cause to deny the application for licensure.

7. Recommendation. The Public Safety Director or a designee and other consultants must make a written recommendation to the Council as to the issuance or non-issuance of the Massage Enterprise License or Massage Therapist License.

8. Council Action. The Council may order and conduct such additional investigation as it deems necessary. Upon completion of its investigation the Council must grant or deny the license pursuant to this Chapter.

9. Fees. Investigation fees are non-refundable. Out-of-state investigations may require the applicant to pay actual out-of-pocket expenses. A deposit for an out-of-state investigation may be required in advance as established in the Fees Chapter of the Code. The applicant will be refunded any unused deposit upon completion of the investigation if the application is denied.

~~125.09.703.09~~ Inspection

~~In light of~~Considering the high risk of ~~involvement with~~ illegal conduct ~~an at~~ establishments providing massage therapy ~~poses to the general public, City staff and/or the police department~~the Public Safety Director or a designee ~~shall~~ have the right to enter, inspect, and search the licensed premises during the hours in which the licensed premises is open for business to ensure compliance with all provisions of this ~~section~~Chapter. Any search of the licensed premises is subject to ~~reasonableness~~reasonable standards as recognized by the courts; search warrants will be secured when applicable. Any entry into a private residence will require consent, exigent circumstances, or a search warrant. With reasonable notice, the business records of the licensee, including income tax returns, ~~shall must~~ be available for inspection by the City during the hours ~~in at~~ which the licensed premises is open for business.

~~125.10.703.10~~ License Denial, Suspension or Revocation

1. Grounds ~~for Denial, Suspension or Revocation of Licenses~~. In addition to the grounds found elsewhere in the ~~city code~~Code for denial, suspension or revocation, the following reasons are grounds for the denial, suspension, or revocation of a ~~massage therapy business~~Therapeutic Massage Enterprise License or ~~massage therapist license~~Therapeutic Massage Therapist License:

~~A.(a)~~ The applicant has been convicted of criminal prostitution, similar sex offenses, or other crimes directly related to the offering of massage therapy services or the running of a ~~massage therapy business~~Therapeutic Massage Enterprise and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of a licensee as prescribed by ~~Minnesota Statutes Section~~M.S. § 364.03, subd. 3.2.

~~B.(b)~~ The applicant is a partnership, corporation, or other entity which has in its employ or is owned by any persons convicted of criminal prostitution, similar sex offenses, or other crimes directly related to the offering of massage therapy services or the running of a ~~massage therapy business~~Therapeutic Massage Enterprise.

~~C.(c)~~ The owner, manager, lessee or any of the employees are found to be in control or possession of any alcoholic beverages, narcotic drugs or controlled substances, as defined by ~~state statutes~~State law, on the premises.

~~D.(d)~~ The holder of a ~~business~~Therapeutic Massage Enterprise License ~~license~~ fails to maintain with the City a current list of all employees of such licensed premises. The list for the establishment ~~shall must~~ include all massage therapists licensed under this ~~chapter~~Chapter.

~~E.(e)~~ A material variance in the actual plan and design of the premises from the plans submitted.

~~F.(f)~~ There is any fraud, deception, or misstatement on the license application.

~~G.(g)~~ The owner, manager, lessee, or their employees or any massage therapist, are convicted of any ~~ordinance Code~~ violation or crime occurring on the licensed premises.

~~H.(h)~~ The licensed premises are not located in an approved zoning district, unless such business is a legally established non-conforming use, or otherwise do not meet the health and safety standards found within the ~~city code Code~~ for the licensed premises.

~~I.(i)~~ The applicant is delinquent upon its payment to the City of utilities, taxes, fines, or penalties assessed or imposed against the applicant or the business is located on property where taxes, assessments, utility charges, service charges, or other financial claims of the City or any other governmental unit are delinquent and unpaid. In the event a suit has been commenced under ~~Minnesota Statutes, Sections M.S. §§~~ 278.01 ~~through -~~ 278.13, questioning the amount or validity of the tax or claim, the ~~city manager City Manager~~, upon written application by the applicant, may waive strict compliance with this provision while the suit is pending.

~~J.(j)~~ The licensed activity is conducted in such a manner as to constitute a breach of the peace, a menace to the health, safety, or welfare of the public, or a disturbance of the peace or comfort of the residents of the City, upon recommendation of the ~~police department or an appropriate City official~~ Public Safety Director, City Manager or a designee.

~~K. The premises where the business is located is not in full compliance with the State Building Code and Fire Code as well as all other relevant provisions of the city code Code.~~

~~L. The premises where the business is located does not have a separate, distinct, front-facing entrance if it is located within a building with multiple offices, suites, or stores.~~

~~M.(k)~~ The applicant has had a massage-related license revoked or denied by a state, city, or other licensing authority within the past five ~~(5)~~ years.

~~N.(l)~~ The licensee fails to continuously comply with all conditions required as precedent to approval of the license or fails to continuously comply with all provisions of this ~~chapter~~ Chapter.

~~O.(m)~~ Based on the findings of a background investigation, granting a license would be a menace to the safety, health, ~~morals~~, or welfare of the public.

~~P. The applicant or licensee is not of good moral character.~~

~~Q.(o)~~ The applicant or licensee is not the real party having an interest in the ~~enterprise~~ Therapeutic Massage Enterprise.

~~2. Suspension, Revocation and Denial Process and Appeal. After review of the initial or renewal license application, or upon information that a violation of the terms and conditions of a Massage Therapy Business License or a Massage Therapist License has occurred, if the position of the Public Safety Department is to recommend the City Council deny, suspend or revoke a Massage Therapist or Massage Therapy Business License, the Public Safety Department shall present written notice to the City Manager of such recommendation and a hearing shall be held prior to the denial of any license application or the suspension or revocation of any existing license.~~

2. Appeal. If the Public Safety Director or a designee recommends denying, suspending or revoking a massage-related license, they must give written notice to the City Manager. Upon recommendation and direction of the City Manager, the City Clerk will:

(a) Schedule an opportunity for the applicant or licensee to be heard in front of the Council.

(b) Notify the applicant or licensee of the recommendation, basis for the recommendation and date of public meeting at least 10 business days prior. The notice must be mailed to the licensee or applicant at the most recent address listed on the license application.

(c) The Council must hold a public meeting regarding the recommendation to deny, suspend or revoke and take action as it determines appropriate. Any such action taken by the Council is final.

~~A. The City Manager shall notify the applicant or licensee of the recommendation in writing at least ten (10) business days prior to the hearing providing the basis for the recommendation of license denial, suspension, or revocation. The notice shall be mailed by U.S. mail to the licensee or applicant at the most recent address listed on the license application.~~

~~B. The City Council shall hold a hearing regarding the recommendation to deny, suspend, or revoke a Massage Therapy Business or Massage Therapist License and following such hearing, may take such action as it determines appropriate with respect to the issuance, suspension, or revocation of the license. Any such action taken by the City Council shall be the final decision on the City related to the license.~~

~~3. Ability to Apply or Reapply After Revocation or Denial. A licensee or applicant for a Massage Therapy Business License or massage therapist license may not apply or reapply for a new license for a period of one (1) year following the denial or revocation of a license.~~

3. Application or Reapplication. A licensee or applicant for a Therapeutic Massage Enterprise or a Therapeutic Massage Therapist License may not apply or reapply for a new license for a period of one year following the denial or revocation by the Council.

125.11-703.11 License Restrictions Minimum Standards of Operation

1. Posting of License

~~A.(a) Business-A Therapeutic Massage Enterprise License. A massage therapy business license~~ must be posted in a conspicuous place on the premises for which it is issued.

~~B.(b) Massage Therapist License. A person licensed as a massage therapist shall must~~ post the ~~massage therapist~~ license, along with a color photo of the therapist, in a conspicuous place on the premises at which the therapist is associated. A massage therapist ~~shall must~~ have readily available at all times when massage services are rendered a government-issued photo identification card.

2. Licensed Premises

~~A.(a) Enterprise License. A massage therapy business license~~A Therapeutic Massage Enterprise License is only effective for the compact and contiguous space specified in the approved license application. If, following issuance of the license, the licensed premises is enlarged, altered, or extended, the licensee ~~shall must~~ inform the ~~city clerk~~City Clerk of the same within ~~ten (10)~~ business days of the enlargement, alteration, or extension. The licensee ~~shall must~~ meet with designated City staff who ~~shall may~~ confirm that the enlarged, altered, or expanded space is in full compliance with all City regulations, including the ~~building code~~State Building Code and the Code. If the enlarged, altered, or expanded space is in full compliance with all City regulations, the business license ~~shall may~~ be amended to encompass the larger space.

~~B.(b) Massage Therapist License. A massage therapist license~~A Therapeutic Massage Therapist License ~~shall may~~ only be issued for the location of the licensed ~~massage therapy business-Therapeutic Massage Enterprise~~ premises. It ~~shall be~~is the continuing duty of each licensee to notify the ~~city clerk~~City Clerk, within ~~ten (10)~~ business days, of any change in the information or facts required to be furnished on the license application and failure to comply with this ~~section~~Chapter ~~shall~~ constitutes cause for revocation or suspension of such license.

3. Affiliation with Business Required. A ~~massage therapist~~Therapeutic Massage Therapist ~~shall must~~ be employed by, affiliated with, or own a ~~massage therapy business licensed by the City~~Therapeutic Massage Enterprise, unless a person or place is specifically exempted from obtaining a ~~massage therapy business license~~Massage Enterprise License pursuant to this ~~chapter~~Chapter.

4. Employment of Unlicensed Massage Therapists Prohibited. No ~~massage therapy business~~ ~~shall~~Therapeutic Massage Enterprise may employ or use any person to perform massage services who is not licensed as a ~~massage therapist~~Therapeutic Massage Therapist under this ~~section~~Chapter, unless the person is specifically exempted ~~from obtaining a massage therapist license pursuant to this chapter.~~pursuant to this Chapter.

5. Coverage of Genitals During Massage. The licensee ~~shall~~must require that the person who is receiving the massage ~~shall~~must at all times have ~~his or her~~their genitals covered with non-transparent material or clothing.

6. Therapist Dress Requirements. Any ~~Massage Therapist~~Therapeutic Massage Therapist providing massage services ~~shall~~must at all times be dressed professionally and must be fully clothed with nontransparent clothing when performing massage services.

7. Massage of Certain Body Parts Prohibited. At no time ~~shall~~may a ~~massage therapist~~Therapeutic Massage Therapist intentionally massage or offer to massage the penis, scrotum, mons veneris, vulva, breasts, or vaginal area of a person.

8. Restrictions Regarding Hours of Operation. No ~~massage therapy business~~Therapeutic Massage Enterprise ~~shall~~may be open for business, nor will any ~~massage therapist~~Therapeutic Massage Therapist offer massage therapy services, before 8:00 a.m. or after 10:00 p.m. any day of the week. No customers or patrons ~~shall~~may be allowed to remain upon the licensed premises after 10:30 p.m. and before 8:00 a.m. daily. Support activities such as cleaning, maintenance and bookkeeping are allowed outside of business hours.

~~9. Illegal Activities. In addition to the license restrictions set forth in this section, any advertising by a licensee of any potential unlawful or erotic conduct at the licensed establishment or by a licensed massage therapist shall be prohibited. A licensee under this section shall be strictly responsible for the conduct of the business being operated in compliance with all applicable law and ordinances, including the actions of any employee or agent of the licensee on the licensed premises.~~

9. Prohibited Activities and Advertising. Licensees are strictly prohibited from advertising any unlawful or erotic conduct and are fully responsible for ensuring their business operates in compliance with all applicable laws and codes, including the actions of employees and agents on the licensed premises. No massage enterprise, massage therapist, or contractor may place, publish, distribute, or cause to be distributed any advertising that depicts human body parts or uses language that would reasonably suggest to prospective patrons that services other than those described in this chapter and posted on the premises are available.

10. Restrictions Involving Minors. No license may be issued to a person under ~~eighteen~~(18) years of age.

11. Effect of License Suspension or Revocation. No person ~~shall~~may offer to perform massage services or ~~shall~~may solicit customers for a ~~massage therapy business~~Therapeutic Massage Enterprise located within the City unless such person has a current ~~massage therapist or massage therapy business license~~Therapeutic Massage Enterprise or Therapeutic Massage Therapist License.

12. Rates. A ~~licensed therapeutic massage business~~Therapeutic Massage Enterprise ~~shall~~must make rates available for all massage services offered at the business.

13. Food Preparation. Food preparation on the premises of a ~~licensed massage therapy business~~ Therapeutic Massage Enterprise ~~shall may~~ only occur in locations specifically designed for that purpose which are fully compliance with all ~~building code~~ State Building Code and Code requirements for such spaces. Use of food preparation areas ~~shall must~~ be limited to employees on breaks occurring during regularly scheduled shifts.

14. Habitation. The premises of a ~~Licensed Massage Therapy Business~~ Therapeutic Massage Enterprise ~~shall may~~ not contain sleeping quarters or living spaces of any kind intended for habitation, including but not limited to beds, cots, futons, or mattresses.

~~125.12. Restrictions Regarding Sanitation, Health and Safety~~

~~1.15.~~ Toilet Room Requirements. A ~~massage therapy business~~ Therapeutic Massage Enterprise ~~shall must~~ be equipped with adequate and conveniently located toilet rooms for the accommodation of its employees and patrons. The toilet room ~~shall must~~ be well ventilated by natural or mechanical methods and be enclosed with a door. The toilet room ~~shall must~~ be kept clean and in good repair and ~~shall be~~ adequately lighted lit.

~~2.16.~~ Paper/Linen Requirements. A Therapeutic Massage Enterprise ~~massage therapy business~~ ~~shall must~~ provide single-service disposal paper or clean linens to cover the table, chair, furniture, or area on which the patron receives the massage; or in the alternative, if the table, chair, or furniture on which the patron receives the massage is made of material impervious to moisture, such table, chair, or furniture ~~shall must~~ be properly sanitized after each massage.

~~3.17.~~ Washing of Hands Required. The premises ~~shall must~~ contain an on-site sink. The massage therapist ~~shall must~~ wash ~~his or her~~ their hands and arms with water and soap, anti-bacterial scrubs, alcohol, or other disinfectants prior to and following each massage service performed.

~~4.18.~~ Door Latches and Locks. Doors on rooms where massage services are provided ~~shall may~~ not be locked or capable of being locked. Locks, latches or other devices intended to secure a door so as to prevent it from being opened by any person from either side of the door with or without a key cannot be present on any doors of rooms intended for massage therapy.

~~5.19.~~ Equipment. Except as provided in ~~Section Six herein~~ this Chapter, all massage services ~~shall must~~ be performed on a raised massage therapy table, chair, or mat similar to those used in yoga.

~~6.20.~~ Prohibited Massage Equipment. No bed, mattress, couch, futon or similar type of equipment ~~shall are be~~ allowed in areas where massage services are provided.

~~125.13. PENALTIES~~

~~Whoever does any act forbidden by this Chapter or omits or fails to do any act required by this Chapter shall be guilty of a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of the Fridley City Code. Each separate violation of this Section shall constitute a separate offense. Conviction of a violation of any provision of this Chapter, while not required, may be grounds for suspension or revocation of any license issued under this Chapter.~~

~~125.14. EFFECTIVE DATE.~~

~~This Ordinance shall be effective following its adoption and publication according to law.~~

Section 5

Amending Fridley City Code to repeal Chapter 14 (Peddlers) and replace it with Chapter 704 (Itinerant Merchants).

~~Fridley City Code Chapter 14. Peddlers~~

~~14.01. STATEMENT OF POLICY~~

~~The City Council of the City of Fridley deems it necessary to provide for the special and express regulation of peddlers, solicitors and transient merchants in order to protect the public health, safety and general welfare. The Council further finds that enterprises such as the type described above sometimes lend themselves to "flybynight" and other undesirable operations not normally associated with permanently established local merchants.~~

~~14.02. DEFINITIONS~~

~~When used in this Chapter, the following terms have the following meanings:~~

~~1. — Peddler.~~

~~Any person, whether a resident of the City of Fridley or not, who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers. It does not include vendors of milk, bakery products, groceries or ice who distribute their products to regular customers on established routes.~~

~~2. — Solicitor.~~

~~Any person, whether a resident of the City of Fridley or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for sale of goods, wares or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery, or for service to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he or she is collecting advance payments on such orders. Such definition includes any person who, for themselves, or for another person, firm or corporation, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop, or other place within the City for the primary purpose of exhibiting samples and taking orders for future delivery.~~

~~3. — Transient merchant.~~

~~Any person, firm, or corporation, whether as owner, agent, consignee, or employee, whether a resident of the City of Fridley or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the City, and who, in furtherance of such purpose,~~

~~hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad boxcar, boat, public room in hotels, lodging houses, apartments, shop, or any street, alley or other place within the City, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that such definition does not include any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. The person, firm or corporation so engaged is relieved from complying with the provisions of this Chapter merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer.~~

~~14.03. PERMIT REQUIRED~~

~~It is unlawful for any peddler, solicitor, or transient merchant to engage in any such business within the City of Fridley without first obtaining a permit therefor in compliance with the provisions of this Chapter.~~

~~14.04. EXEMPTIONS~~

~~The terms of this Chapter do not include residential garage sales or the acts of persons selling personal property at wholesale to dealers in such articles, nor to the acts of merchants or their employees in delivering goods in the regular course of business, nor to persons with bona fide advance residential appointments. Nothing contained in this Chapter prohibits any sale required by statute or by order of any court, or prevents any person conducting a bona fide auction sale pursuant to law.~~

~~14.05. APPLICATION~~

~~Applicants for a permit under this Chapter shall file with the City Clerk a sworn application in writing on a form to be furnished by the City Clerk. The application shall give the following information:~~

- ~~1. Name and physical description of applicant.~~
- ~~2. Complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.~~
- ~~3. A brief description of the nature of the business and the goods to be sold.~~
- ~~4. The name and address of the employer, principal or supplier of the applicant, together with credentials therefrom establishing the exact relationship.~~
- ~~5. The length of time for which the right to do business is desired.~~
- ~~6. The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery.~~

~~7. A recent photograph of the applicant which picture shall be approximately 2" by 2" showing the head and shoulders of the applicant in a clear and distinguishing manner;~~

~~8. The names of at least two (2) property owners of Anoka County, Minnesota, who will certify as to the applicant's good character and business respectability, or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicants as will enable an investigator to properly evaluate such character and business responsibility.~~

~~9. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any Municipal Ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed therefor.~~

~~10. The last municipalities, not to exceed three (3), where applicant carried on business immediately preceding date of application and the address from which such business was conducted in those municipalities.~~

~~14.06. RELIGIOUS AND CHARITABLE ORGANIZATIONS~~

~~1. Any organization, society, association or corporation desiring to solicit or to have to solicit or to have solicited in its name money, donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organizations upon the streets, in office or business buildings, by house-to-house canvass, or in public places for a charitable, religious, patriotic, philanthropic or otherwise non-profit purpose shall be exempt from the provisions of Section 14.05 of this Chapter provided there is filed a sworn application in writing on a form, to be furnished by the City Clerk which shall include the following information:~~

~~A. Name and purpose of the cause for which permit is sought;~~

~~B. Names and addresses of the officers and directors of the organization;~~

~~C. Period during which solicitation is to be carried on;~~

~~D. Whether or not any commission, fee, wages or emoluments are to be expended in connection with such solicitation and the amount thereof;~~

~~E. Articles of incorporation.~~

~~2. Upon being satisfied that such organization, association or corporation is a religious, charitable, patriotic, philanthropic or otherwise non-profit organization, the City Clerk shall issue a permit without charges to such organization, association or corporation to solicit in the City. Such organization, association or corporation shall furnish all of its members, agents, or representatives, conducting solicitation credentials in writing stating the name of the organization, name of agent and purpose of solicitation.~~

~~14.07. INTERSTATE COMMERCE SOLICITOR~~

~~1. Any organization engaged in the business of soliciting by taking or attempting to take orders to be filled in the future for goods, wares, or merchandise delivered to the purchaser from states other than Minnesota, shall be exempt from the provisions of Section 14.05 of this Chapter, provided there is filed a registration in writing on a form to be furnished by the City Clerk which shall include complete information about their organization, each solicitor, backgrounds and methods of operation.~~

~~2. Upon being satisfied that such organization is engaged in interstate commerce solicitation, the Clerk shall issue a permit without charge to such person to solicit in the City. Such organization shall furnish all of its members, agents, or representatives, conducting solicitation credentials in writing stating the name of the organization, name of agent and purpose of solicitation.~~

~~14.08. INVESTIGATION AND ISSUANCE~~

~~1. Upon receipt of each application, it shall be referred to the Public Safety Director who shall immediately institute such investigation of the applicant's business and moral character as the Director deems necessary for the protection of the public good. Peddlers, solicitors, or transient merchant licenses may be denied for the following reasons:~~

~~A. Fraud, deception or misrepresentation in connection with the securing of the permit.~~

~~B. Conviction of an offense involving moral turpitude by any court of competent jurisdiction or for offenses which relate directly to such person's ability, capacity, or fitness to perform the duties and discharge the responsibilities of the occupation, or violation of Minnesota Statutes Chapter 329.~~

~~C. Habitual drunkenness or intemperance in the use of drugs including but not limited to the use of drugs, defined in Minnesota Statutes, Section 253A.02 Subdivision 20, barbiturates, hallucinogenic drugs, amphetamines, benzedrine, dexedrine or other sedatives, depressants, stimulants or tranquilizer~~

~~D. Engaging in conduct involving moral turpitude or permitting or allowing others within their employ or agency to engage in conduct involving moral turpitude or failing to prevent agents, officers or employees in engaging in conduct involving moral turpitude.~~

~~E. Failure to fully comply with any requirements of this Chapter.~~

~~F. Engaging in any conduct which would constitute grounds for refusal to issue a permit therein. (Ref. 890)~~

~~2. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Public Safety Director shall endorse on such application his or her disapproval and reasons for the same, and return the application to the City Clerk, who shall notify the applicant that this application is disapproved and that no permit will be issued.~~

~~3. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Public Safety Director within five (5) days after the application has been filed by the applicant with the City Clerk shall endorse on the application approval and return the application to the City Clerk, who shall deliver to the applicant the permit. Such permit shall contain the signature of the issuing officer and shall show the name, address and photograph of said permittee, the class of permit issued and the kinds of goods to be sold thereunder, as well as the permit number and other identifying description of any vehicle used in such licensed business. Each peddler, solicitor, or transient merchant must secure a personal permit. No permit shall be used at any time by any person other than the one to whom it is issued. The City Clerk shall keep a permanent record of all permits issued as required by records retention statutes. (Ref. 890)~~

~~14.09. LOUD NOISES AND SPEAKING DEVICES~~

~~1. Except as permitted by Section 14.09.2, no permittee, nor any person in his or her person in his or her behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the streets, alleys, parks or other public places of the City or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places for the purpose of attracting attention to arty goods, wares or merchandise which such permittee proposes to sell.~~

~~2. Exception for Food/Beverage Vehicles:~~

~~Notwithstanding any other provision to the contrary, food/beverage vehicles may sound a manually operated bell, between the hours of 10:00 a.m. and 4:30 p.m., and 6:00 p.m. to 8:00 p.m. in any area zoned commercial or industrial, and only between the hours of 1:00 p.m. and 4:30 p.m., and 6:30 p.m. to 8:00 p.m. in any area zoned residential or other than commercial or industrial, which produces a noise level measured at a distance of 50 feet from the source no greater than 65 decibels, as defined in Fridley City Code Chapter 124, "Noise". (Ref. 835)~~

~~14.10. USE OF PUBLIC STREETS OR GROUNDS~~

~~No permittee shall have any exclusive right to any location on the public streets or grounds, nor shall a permittee be permitted a stationary location thereon, nor shall a permittee be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this Chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.~~

~~14.11. HOURS OF SOLICITATIONS~~

~~Solicitations shall be allowed by permit holders under this Chapter between the hours of 8:00 o'clock a.m. and 9:00 o'clock p.m. on any one day.~~

~~14.12. EXHIBITION OF PERMIT~~

~~Permittees are required to exhibit their permit at the request of any citizen.~~

~~14.13. DUTY OF POLICE TO ENFORCE~~

~~It shall be the duty of the Police of the City of Fridley to require, any person seen peddling soliciting or engaging in the business as a transient merchant and who is not known by such officer to have obtained a permit hereunder, to produce a permit and to enforce the provisions of this Chapter against any person found to be violating the same.~~

~~14.14. RECORDS~~

~~The Public Safety Director shall report to the City Clerk all convictions for violation of this Chapter and the City Clerk shall maintain a record for each permit issued and record the reports of violation therein, as required by records retention statutes.~~

~~14.15. REVOCATION OF LICENSE~~

~~1. Permits issued under the provisions of this Chapter may be revoked by the Council of the City of Fridley after notice and hearing, for any of the following causes:~~

~~A. Fraud, misrepresentation, or incorrect statement contained in the application for permit~~

~~B. Fraud, misrepresentation, or incorrect statement made in the course of carrying on his or her business as solicitor, peddler, or transient merchant;~~

~~C. Any violation of this Chapter;~~

~~D. Conviction of any crime or misdemeanor;~~

~~E. Conducting the business of peddler, solicitor, or transient merchant, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to health, safety or general welfare of the public.~~

~~2. Notice of the hearing for revocation of a permit shall be given by the City Clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed postage prepaid, to the permittee at his or her last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.~~

~~14.16. APPEAL~~

~~Any person aggrieved by the action of the Public Safety Director or the City Clerk in the denial of a permit as provided in Section 14.08 of this Chapter may appeal to the City Council. Such appeal shall be taken by filing with the City Council within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the~~

~~appellant in the same manner as provided in Section 14.14 of this Chapter for notice of hearing on revocation.~~

~~14.17. REAPPLICATION~~

~~No permittee whose permit has been revoked shall make further application until at least six (6) months have elapsed since the last previous revocation.~~

~~14.18. ZONING COMPLIANCE~~

~~Every peddler, solicitor and transient merchant shall be required to comply with all applicable sections of the City Zoning Code, Chapter 205.~~

~~14.19. LICENSE AND LICENSE YEAR~~

~~The license fee and license year shall be as set forth in Chapter 11 of the City Code.~~

~~14.20. PENALTIES~~

~~Whoever does any act forbidden by this Chapter or omits or fails to do any act required by this Chapter shall be guilty of a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of the Fridley City Code.~~

~~14.21. SEVERABILITY~~

~~Every section, provision or part of this Chapter is declared separable from every other section, provision or part to the extent that if any section, provision, or part of this Chapter shall be held invalid, such holding shall not invalidate any other section, provision or part thereof.~~

Fridley City Code Chapter 704 Itinerant Merchants

704.01 Purpose

The City Council (Council) of the City of Fridley (City) deems it necessary to provide for the special and express regulation of solicitors and peddlers to protect the public health, safety and general welfare of residents. The Council further finds that enterprises such as the type described above sometimes lend themselves to "fly-by-night" and other undesirable operations not normally associated with permanently established local merchants.

704.02 Definitions

Itinerant Merchant Enterprise: Any business, whether located in the City or not, that is temporarily selling goods or services for which delivery or performance occurs at a later time.

Itinerant Merchant: an individual who is employed by, owns, contracts with or otherwise represents an Itinerant Merchant Enterprise for the purpose of selling goods or services within the City including:

1. Solicitor: A person authorized by an itinerant merchant enterprise, who goes from door-to-door for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, personal property or services for which delivery or performance occurs at a later time.
2. Peddler: A person who goes from place to place for the purpose of offering for sale, displaying for sale, selling or attempting to sell goods, wares, products, merchandise, personal property or services for which delivery or performance occurs immediately.

704.03 License and Permit Required

1. Itinerant Merchant Enterprise. It is unlawful for any person or entity to own, operate, engage in, or carry on, within the City any type of business that is temporarily selling goods or services for which delivery or performance occurs at a later time, without having obtained an Itinerant Merchant Enterprise License pursuant to this Chapter.
2. Itinerant Merchant. It is unlawful for any individual to temporarily sell goods or services in one location or travel between locations within the City without having obtained an Itinerant Merchant Permit pursuant to this Chapter.
3. Licenses and permits have a term of either 30, 60 or 90 days from the date of issuance.
4. Licensing and permitting fees are established in the Fees Chapter of the Code.

704.04 Exemptions

For purposes of this Chapter, the term "itinerant merchant" does not apply to:

1. Non-commercial door-to-door advocates. Nothing within this Chapter will be interpreted to prohibit or restrict non-commercial door-to-door advocates.
2. Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise or other personal property to a retail seller of the items being sold by the wholesaler.
3. Any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products, such as baked goods or milk.
4. Any person making deliveries of perishable food and dairy products to the customers on their established customer delivery route, when attempting to establish a regular delivery route or when publications are delivered to the community at large.

5. Any person conducting the type of sale commonly known as garage sales, rummage sales or estate sales.

6. Any person participating in an organized multi-person bazaar or flea market.

7. Any person conducting an auction as a properly licensed auctioneer.

8. Any officer of the court conducting a court-ordered sale.

704.05 Itinerant Merchant Enterprise License Application

1. An application for an Itinerant Merchant Enterprise License must be made on a form supplied by the City Clerk and must include the following information:

(a) The name of the business, the names of all general partners and contact information for all corporate officer(s).

(b) The full name, work telephone number and work email address for a business's licensing contact at the Itinerant Merchant Enterprise.

(c) A brief description of the nature of the business and the goods to be sold.

(d) Proof that the business holds any County, State or federal required licensing to sell any items or perform any services that the business is proposing to sell.

(e) Whether the applicant is an individual, partnership, corporation, nonprofit corporation, company, or other form of organization.

(f) Additional information as City staff or the Council may require.

704.06 Itinerant Merchant Permit Application

1. An application for an Itinerant Merchant Permit must be made on a form supplied by the City Clerk and must include the following information:

(a) An approved Itinerant Merchant Enterprise License for the business that the applicant will be soliciting for.

(b) Name and physical description of the applicant.

(c) Complete permanent home and local address of the applicant.

(d) Any and all addresses and phone numbers where the applicant can be reached when conducting business within the City.

(e) In the case of peddlers, the local address from which the proposed sales will be made, if applicable.

(f) A brief description of the nature of the business and the goods to be sold.

(g) The source of supply of the goods or property proposed to be sold, or orders taken for the sale, where such goods or products are located at the time said application is filed and the proposed method of delivery.

(h) A recent color photograph of the applicant that is two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.

(i) The license plate number, registration information, vehicle identification number and physical description for any vehicle to be used in conjunction with the Itinerant Merchant Permit.

(j) The names of at least two people who will certify as to the applicant's good character and business respectability, or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant, as will enable the City to properly evaluate such character and business responsibility.

(k) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any City ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed therefor.

(l) The last municipalities, not to exceed three, where the applicant carried on business immediately preceding date of application, the name of the business the applicant was soliciting for and the address from which such business was conducted in those municipalities.

704.07 Investigation and Issuance

1. Upon receipt of each application, it will be referred to the Public Safety Director or a designee who will immediately institute such investigation of the applicant's business and moral character as the Director deems necessary for the protection of the public good. Itinerant Merchant Enterprise Licenses or Itinerant Merchant Permits may be denied for the following reasons:

(a) Fraud, deception or misrepresentation in connection with the securing of the license or permit.

(b) A conviction within the past five years of the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person's ability to conduct the business for which the license or permit is being sought in a professional, honest and legal manner. Such violations include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices and any form of actual or threatened physical harm against another person.

(c) A revocation within the past five years of any license or permit issued to the applicant for the purpose of conducting business as a solicitor, peddler or transient merchant.

(d) Failure to fully comply with any requirements of this Chapter.

(e) Evidence of a negative business reputation. Evidence of a "negative business reputation" includes, but is not limited to, the existence of more than three complaints against the applicant with the Better Business Bureau, the Office of the Minnesota Attorney General, or other state attorney general's office, or other similar business or consumer rights office or agency within the preceding 12 months or three complaints filed with the City against an applicant within the preceding five years.

2. If, as a result of such investigation, the applicant is found to be ineligible, the Public Safety Director or a designee will deny the application, and return the application to the City Clerk, who will notify the applicant that the application is denied and that no license or permit will be issued.

3. If, as a result of such investigation, the applicant is found to be eligible, the Public Safety Director or a designee will approve the application, return the application to the City Clerk who will notify the applicant that the application is approved and the license or permit will be issued. Such license or permit must contain the signature of the issuing officer and must show the name, address and photograph of said license/permit holder, whether the document is a license or a permit, and the kinds of goods to be sold, as well as the license/permit number and other identifying description of any vehicle used in such licensed/permitted business.

4. Each Itinerant Merchant must secure a personal permit. No permit may be used at any time by any person other than the one to whom it is issued.

704.08 Amplification

1. Pursuant to the Noise Chapter of the Code, no permit holder may shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the streets, alleys, parks or other public places of the City or upon private premises where sound of sufficient volume is emitted or produced to be capable of being unreasonably audible within an enclosed structure for the purpose of attracting attention to any goods, wares or merchandise which such the permit holder proposes to sell.

2. Exception for Mobile Food Units. Operators of Mobile Food Units must follow the directives established in the Mobile Food Units Chapter of the Code.

704.09 Use of Public Streets or Grounds

No permittee or licensee under this Chapter has any exclusive right to any location on the public streets or grounds or any stationary location. Permittees are not permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this Chapter, the judgment of a police officer, exercised in good faith, will be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

704.10 Hours of Operation

Business may be conducted by license/permit holders under this Chapter between the hours of 8 a.m. and 9 p.m. on any day.

704.11 Display of License/Permit

License holders and permittees are required to display their license/permit and photo ID issued by the City at all times.

704.12 Duty of Police to Enforce

It is the duty of police officers to enforce the provisions of this Chapter and require any person seen peddling or soliciting to produce approved licenses/permits as required by this Chapter.

704.13 Suspension or Revocation

1. Licenses and permits issued under the provisions of this Chapter may be suspended or revoked by the City Manager for any of the following causes:

(a) Fraud, misrepresentation, or false statement contained in the application for license or permit;

(b) Fraud, misrepresentation, or false statement made while carrying out business as a licensed Itinerant Merchant;

(c) Any violation of this Chapter; or

(d) Conviction of any offense to which the granting of the license or permit could have been denied under this Chapter.

704.14 Appeals

1. Any person contesting a citation or decision (including a denial or revocation of a license or permit) associated with this Chapter may file an appeal pursuant to the Appeals and Administrative Citations chapter of the Code.

2. Within 14 business days of a determination by the Hearing Examiner, any person contesting that decision may appeal to the Council by submitting a written appeal to the City Clerk. At its next regular meeting following the Hearing Examiner's decision, the Council will affirm, repeal, or modify that decision.

704.15 Reapplication

No license or permit holder whose license or permit has been denied or revoked may make further application until at least six months have elapsed since the last previous revocation.

704.16 Zoning Compliance

Every licensee and permittee is required to comply with all applicable sections of the zoning chapters of the Code.

Section 6

Amending Fridley City Code Chapter 26 (Hotels and Motels).

Fridley City Code Chapter ~~26.705~~ ~~Hotels and Motels~~Lodging

705.01 Purpose

This Chapter establishes standards and regulations for operating lodging establishments in the City of Fridley (City).

705.02 Definitions

Extended stay hotel: an establishment in which all rooms contain accommodations for sleeping and a kitchen equipped with a full-sized refrigerator, built-in cooking facilities, microwave, sink, cooking utensils, dishes and cutlery.

Guestroom: a room in a lodging establishment intended to be used as a sleeping accommodation.

Hotel (or motel): a building, structure, enclosure or any part thereof used as, maintained as, advertised as a place where sleeping accommodations are furnished to the public.

Licensed premises: all property, whether in or out of a building or structure which is used for the licensed activity, including parking areas for use by lodgers; all property under the ownership, control or management of the operator.

Lodger, renter or guest: the person obtaining lodging from an operator.

Lodging establishment: any building, structure, enclosure or any part thereof used as, maintained as, or advertised as a place where sleeping accommodations are furnished to the public.

Nuisance-related activities: any one or more of the following occurring or committed on the licensed premises:

1. Prostitution or prostitution-related activity, sex trafficking, or other human trafficking
2. Maintaining a public nuisance in violation of Minnesota Statute (M.S.) § 609.74
3. Permitting a public nuisance in violation of M.S. § 609.745
4. Maintaining or permitting a violation of Fridley City Code

5. Unlawful consumption, sale, possession, storage, delivery, manufacture, cultivation or use of controlled substances

6. Unlicensed sales of alcoholic beverages or unregistered sales of cannabis products

7. Unlawful use or possession of firearms, firearm parts or ammunition

8. Actions which constitute a violation of M.S. § 609.72 related to disorderly conduct.

9. Loitering pursuant to M.S. 609.3243.

Owner or operator: any person, firm association, partnership, limited liability company or corporation which is the record owner, part owner, lessee, receiver, sublessee or franchised operator of real property as listed on the Anoka County property records that operates a lodging establishment business that offers and accepts payment for guestrooms.

Rent: the total consideration valued in money charged for lodging whether paid in money or otherwise, but may not include any charges for services rendered in connection with furnishing lodging other than the room charge itself.

26.01.—705.03 License Required

1. No person ~~shall~~ may own, operate, or maintain any hotel or motel in the City ~~of Fridley~~ without obtaining a license therefor pursuant to the provisions of this ~~Code~~ Chapter.

26.02.——Application——

2. ~~Application shall~~ Applications must be made with the City Clerk ~~on forms furnished in the format prescribed~~ by the City. ~~The applicant shall provide such information as the City Council shall require.~~

3. License Requirements. All applicants for a City license must submit a completed license application form to the City Clerk. The license to operate may denied for any incomplete license requirements. Application forms must include all information required by the City, including:

(a) Address of hotel, and the name, address, and complete information for the owner(s) of the property where the hotel is located.

(b) The name, address, and complete information for the operator(s) of the hotel.

(c) Satisfactory completion of a criminal background check of all operators of the lodging establishment. Investigations will include prior similar business activities within the City and other jurisdictions.

(d) 24-hour contact information for an agent of the hotel operator responsible for management of the hotel.

(e) 24-hour contact information for an agent of the hotel operator capable of accessing surveillance cameras and recorded video

(f) Number of guest rooms.

(g) Certification by the City Manager or a designee that the hotel is not in violation of any City, County or State laws.

(h) Safety standards. Certification of safety standards by the City Manager or a designee that exterior spaces are adequately maintained and illuminated, that common areas within the lodging establishment and parking areas are adequately covered by surveillance cameras and are accessible by an employee onsite and inaccessible to guests.

(i) Certification by the City Manager or a designee that the hotel does not, whether by policy or by practice, accept cash for the payment of rent.

(j) Proof that the property where the hotel is located is current on its payment of property taxes and payment of all City utility bills.

(k) Proof that every person working on site at a lodging establishment has completed sex trafficking prevention training as required by M.S. § 157.177.

705.04 Minimum Standards of Operation

To maintain the license to operate issued through the City, the operator must comply with the following minimum standards of operation:

1. No person may be allowed to rent a guestroom without providing suitable identification at the time of registration. The guest must verify their identification through production of a driver's license, passport or other government-issued identification. The identification must match the name on any form of payment used.

2. No guestroom may be rented to any individual under the age of 18. The legal name of at least one individual over the age of 18 and all persons, excluding children, occupying the guestroom must be listed on the register at the time of registration. Any person who remains in a room after midnight is presumed to be a guest. Guestroom occupancy lists must be recorded and maintained by the lodging establishment for at least 365 days.

3. The lodging establishment must immediately, upon notice that a registration was incomplete or inaccurate, terminate the rental agreement and eject them from the licensed

premises all guests occupying the guestroom for which such incomplete or inaccurate registration was provided.

4. Guestrooms must be numbered in a plain, conspicuous manner. Numbers must be placed and maintained on the outside of the outer door of each guestroom. No two guestrooms may be labeled with the same number.

5. No guest may be able to purchase a guestroom on an hourly basis.

6. Any licenses issued by the State, County or City must be conspicuously displayed in the office or lobby of the lodging establishment.

7. Lodging establishments must always have a manager on the licensed premises.

8. The lodging establishment must maintain and follow all building, mechanical, zoning and licensing regulations. Each guestroom must maintain the following minimum requirements:

(a) A proper entry door, windows, bed and bedding

(b) Restroom facilities that include a toilet, sink and a bathtub or shower

(c) Heating and air conditioning.

(d) Smoke detector and fire sprinkler.

(e) 24-hour free emergency telephone access to the front desk and to 911 services.

9. Maintenance of records. Every lodging establishment must keep a register of persons who rent a guestroom. The record is written documentation of information about a guest that may be maintained electronically, in a book or on cards. Records must be kept on the licensed premises in the reception of guest check-in area, or in an office adjacent to that area. No person may alter, deface or erase the record so as to make the information illegible or unintelligible, or hinder, obstruct or interfere with any inspection of record under this section.

10. Inspection of licensed premises. To ensure compliance with this Chapter, random inspections of the licensed premises may occur.

11. Inspection of maintained records. The maintained video, written and electronic records must be made available to law enforcement officials or other authorized City officials upon a reasonable request.

12. Cooperation with investigations. If a guest or employee of a lodging establishment makes an emergency call for service or reports suspicious or illegal activity to law enforcement, all

individuals related to the lodging establishment must cooperate with law enforcement during the ongoing investigation.

13. Safety standards. Exterior spaces must be adequately maintained and illuminated. Common areas within the lodging establishment and exterior parking areas must be adequately covered by surveillance cameras, which are accessible by an employee onsite and inaccessible to guests.

14. Operators must provide sex trafficking prevention training as required by M.S. § 157.177 to all establishment employees.

15. New construction requirements. Any newly constructed lodging facility may only be designed so that guest rooms are accessible through a common lobby and not from separate exterior entrances. All new construction must be compliant with the zoning chapters of the Code, the State Building Code and the State Fire Code.

705.05 Prohibited Acts

1. No person may own, operate or maintain any lodging establishment in the City while:

(a) Knowingly permitting the licensed premises to be used for any illegal purpose, including in any manner that is a violation of any building, fire, mechanical, zoning or licensing requirements of the State, County or City.

(c) Knowingly allowing a guestroom to be occupied for the purposes of sex trafficking.

(d) Knowingly allowing a guestroom to be occupied for the purposes of illegal drug activity.

(e) Knowingly allowing a guestroom to be occupied by a minor for the consumption of alcoholic, THC or other intoxicating substances.

(f) Prohibiting the inspection of the licensed premises in accordance with State, County or City regulations.

(g) Failing to report observed or suspected illegal activity to Police in a reasonable period of time.

2. No owner, operator, employee, manager or contractor performing services of any kind may reside in a guestroom at the lodging establishment.

3. No guest may establish permanent residency at the lodging establishment.

4. Duration of stay. No owner, operator, employee, manager, contractor or guest may allow or permit guests of a hotel to stay longer than 29 days in a 60 consecutive day period. No owner, operator, employee, manager, contractor or guest may allow or permit guests of an extended stay hotel to stay longer than 120 days in a 150 consecutive day period.

705.06 Emergency Closure of Licensed Lodging Establishments

1. If any of the following conditions exist, the operator or person in charge may be ordered to discontinue all operations of the lodging establishment until such time as the health authority confirms the correction of the violation:

(a) Failure to possess a license as required;

(b) Lack of potable, plumbed, hot or cold water to the extent that hand washing, laundry facilities or toilet facilities are not operational;

(c) Lack of electricity or gas service to the extent that hand washing, laundry facilities, ventilation, lighting, or toilet facilities are not operational;

(d) Evidence of an ongoing illness associated with the operation of the lodging establishment;

(e) Significant damage to the lodging establishment due to tornado, fire, flood, or other disaster;

(f) Evidence of an extensive infestation of rodents or other vermin;

(g) Evidence of cross contamination, filthy conditions, or poor personal hygiene to the extent of posing an imminent health risk;

(h) Misuse of poisons or toxic materials.

2. The licensee must request a re-inspection prior to re-opening. Approval may be granted by the City Manager or a designee, or health authority.

~~26.03.~~ 705.07 Fees

The annual license fee is established in the Fees Chapter of the Code.

~~The annual license fee and expiration date shall be as provided in Chapter 11 of this Code.~~

~~26.04.~~ PENALTIES —

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provision of Chapter 901 of this Code.~~

705.08 Appeals

1. Any person contesting a citation or decision associated with violations of this Chapter may file an appeal pursuant to the Appeals and Administrative Citations Chapter of the Code.

2. Within 14 business days of a determination by the Hearing Examiner, any person contesting that decision may appeal to the Council by submitting a written appeal to the City Clerk. At its next regular meeting following the Hearing Examiner's decision, the Council will affirm, repeal or modify that decision.

Section 7

Amending Fridley City Code Chapter 608 (Lodging Tax).

Fridley City Code Chapter ~~608.211~~ Lodging Tax

~~608.01~~211.01 Purpose

The legislature has authorized the imposition of a tax upon lodging establishments ~~at a hotel, motel, rooming house, tourist court or other use of space by a transient. The imposition of such a tax would to~~ provide funding for a convention and tourism bureau to promote the City of Fridley (City) as a tourist and convention center.

~~608.02~~211.02 Definitions

~~For the purpose of this Chapter, the following terms, phrases and words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.~~

- ~~1. The term "director" means the Finance Director of the City.~~
- ~~2. The term "city" means the City of Fridley.~~
- ~~3. The term "lodging" means the furnishing for a consideration of lodging by a hotel, motel or rooming house except where such lodging shall be for a continuous period of 30 days or more to the same lodger(s). The furnishing of rooms by religious, educational or nonprofit organizations shall not constitute "lodging" for purposes of this Chapter.~~
- ~~4. The term "operator" means a person who provides lodging to others or any officer, agent or Employee of such person.~~
- ~~5. The term "person" means 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.~~
- ~~6. The term "rent" means 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.~~
- ~~7. The term "lodger" means the person obtaining lodging from an operator.~~

Director: The Finance Director of the City.

Hotel (or motel): a building, structure, enclosure or any part thereof used as, maintained as, advertised as a place where sleeping accommodations are furnished to the public for periods of less than seven calendar days.

Lodger (or renter): the person obtaining lodging from an operator.

Lodging establishment: a building, structure, enclosure or any part thereof used as, maintained as, advertised as a place where sleeping accommodations are furnished to the public for periods of more than seven calendar days.

Operator: a person who provides lodging to others.

Rent: the total consideration valued in money charged for lodging whether paid in money or otherwise, but may not include any charges for services rendered in connection with furnishing lodging other than the room charge itself.

608.03211.03 Imposition of Tax

There is hereby imposed a tax of ~~three percent~~3% on the rent charged by an operator for providing lodging to any person on and after August 1, 1986. The tax ~~shall~~must be stated and charged separately and ~~shall~~must be collected by the operator from -the lodger. The tax collected by the operator ~~shall~~will be a debt owed by the operator to the ~~city~~City and ~~shall~~will be extinguished only by payment to the ~~city~~City. In no case ~~shall~~may the tax imposed by this ~~section~~Chapter upon an operator exceed the amount of tax which the operator is authorized and required by this ~~chapter~~Chapter to collect from a lodger.

608.02114.04 Collections

Each operator ~~shall~~must collect the tax imposed by this ~~chapter~~Chapter at the time the rent is paid. The tax collections ~~shall~~must be deemed to be held in trust by the operator for the ~~city~~City. The amount of tax ~~shall~~must be separately stated from the rent charged for the lodging.

608.05211.05 Exceptions and Exemptions

1. Exceptions. No tax ~~shall~~will be imposed on rent for lodging paid by any officer or employee of a foreign government who is exempt by reason of express provisions of federal law or international treaty.

2. Exemptions. An exemption shall be granted to any person as to whom or whose occupancy it is beyond the power of the ~~city~~City to tax. No exemption ~~shall~~will be granted except upon a claim therefor made at the time the rent is collected and such a claim ~~shall~~must be made in writing under penalty of perjury on forms provided by the ~~city~~City. All such ~~claim~~~~shall~~claims ~~must~~ be forwarded to the ~~city~~City when the returns and collections are submitted as required by this ~~chapter~~Chapter.

608.06211.06 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 part 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, amount of tax less than one cent ~~shall must~~ be considered an additional cent.

~~608.07211.07~~ Payment and Returns

The taxes imposed by this ~~chapter shall~~ Chapter must be paid by the operator to the ~~city~~ City monthly 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 must~~ submit a return upon such forms and containing such information: as the ~~director~~ Director may require. The return shall contain the following minimum information:

1. The total amount of rent collected for lodging during the period covered by the return.
2. The amount of tax required to be collected and due for the period.
3. The signature of the person filing the return or that of his or her agent duly authorized in writing.
4. The period covered by the return.
5. The amount of uncollectable rental charges subject to the lodging tax.

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 uncollectable during such reporting period, but only in proportion to the portion of such consideration which became uncollectable.

~~608.08211.08~~ Examination of Return, Adjustments, Notices and Demands

The Director may rely upon the Minnesota sales tax return filed by the operator with the State of Minnesota in determining the accuracy of a return filed under this ordinance. However, the ~~director shall be~~ Director is authorized to make any investigation or examination of the records and accounts of the person making the return if the ~~director~~ 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 will~~ be the tax to be paid. If the tax due is found to be greater than that paid, such excess ~~shall must~~ 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 will~~ be refunded to the person who paid the tax to the City within ten days after determination of such refund.

~~608.09211.09~~ Refunds

Any person may apply to the ~~director~~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~~may 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~~Director must examine the claim and make and file written findings thereon denying or allowing the claim in whole or in part and ~~shall~~must 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~~Director must credit the amount of the allowance against any taxes due under this ~~chapter~~Chapter from the claimant and the balance of said allowance, if any, ~~shall~~must be paid by the ~~director~~Director to the claimant.

~~608.10~~211.10 Failure to File a Return

1. If any operator required by this ~~chapter~~Chapter to file a return ~~shall fail~~fails to do so within the time prescribed, or ~~shall make~~makes, willfully or otherwise, an incorrect, false, or fraudulent return, the operator ~~shall~~must, upon written notice and demand, file such return or corrected return within five days of receipt of such written notice and ~~shall~~must at the same time pay any tax due on the basis thereof. If such person ~~shall fail~~fails to file such return or corrected return, the ~~director~~Director must 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~~must paid upon within five days of the receipt of written notice and demand for such payment. Any such return or assessment made by the ~~director shall~~Director will be prima facie correct and valid, and such person ~~shall~~will have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto.

2. 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 Attorney may institute such legal action as may be necessary to recover the amount due plus interest, penalties, the costs and disbursements of any action.

3. Upon a showing of good cause, the ~~director~~Director may grant an operator one ~~thirty~~(30) day extension of ~~time~~time within which to file a return and make payment of taxes as required by this ~~chapter~~Chapter provided that interest during such period of extension ~~shall~~will be added to the taxes due at the rate of 10-~~percent~~% per annum.

~~608.11~~211.11 Penalties

1. If any tax imposed by this ~~chapter~~Chapter is not paid within the time herein specified for the payment, or any extension thereof, there ~~shall~~will be added ~~thereto~~ a specific penalty equal to 10-~~percent~~% of the amount remaining unpaid.

2. In case of any failure to make and file a return within the time prescribed by this ~~chapter~~Chapter, unless it is shown that such failure is not due to willful neglect, there ~~shall~~will be added to the tax in addition to the 10-~~percent~~% specific penalty provided ~~in A~~ above, 10 ~~percent~~% if the failure is for not more than 30 days with an additional 5-~~percent~~% for each additional 30 days or fraction thereof during which such failure continues, not exceeding 25 ~~percent~~% in the aggregate. If the penalty as computed does not exceed \$10, a minimum

penalty of \$10 ~~shall~~will be assessed. The amount so added to any tax ~~shall~~must be collected at the same time and the same manner and as a part of the tax unless the tax has been paid before the discovery of the negligence, in which case the amount so added ~~shall~~must be collected in the same manner as the tax.

3. If any person willfully fails to file any return or make any payment required by this ~~chapter~~Chapter, or willfully files a false or fraudulent return or willfully attempts in any manner to evade or defeat any such a tax or payment thereof, there ~~shall~~may also be imposed as a penalty an amount equal to 50~~-percent~~% of any tax (less any amounts paid on the basis of such false or fraudulent return) found due for the period to which such return related. The penalty imposed by this subdivision ~~shall~~must be collected as part of the tax, and ~~shall~~will be in addition to any other penalties provided by this ~~chapter~~Chapter.

4. All payments received ~~shall~~will be credited first to penalties, next to interest, and then to the tax due.

5. The amount of tax not timely paid, together with any penalty provided by this section, ~~shall~~will bear interest at the rate of 8~~-percent~~% per annum from the time such tax should have been paid until paid. Any interest and penalty shall be added to the tax and be collected as part thereof.

~~608.12~~211.12 Administration of Tax

The ~~director~~Director will administer and enforce the assessment and collection of the taxes imposed by this ~~chapter~~Chapter. The ~~director shall cause to be prepared~~Director will prepare blank forms for the returns and other documents required by this ~~chapter~~Chapter and ~~shall~~will distribute the same throughout the ~~city~~City and furnish them on application, but failure to receive or secure them ~~shall~~will not relieve any person from any obligation required of him under this ~~chapter~~Chapter unless it can be established that the required forms were not available from the City.

~~608.13~~211.13 Examine Records

The ~~director~~Director or a designee 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 ~~said director or to his duly authorized agent or employee the means~~Director or a designee, facilities and opportunity for such examinations and investigations as are hereby authorized.

~~608.14~~211.14 Contract with State

The City Manager is authorized to confer with the Minnesota commissioner of taxation to the end that an agreement between the City and the commissioner of taxation may be entered into for the purpose of providing for the administration and collection of the taxes imposed by this ~~chapter~~Chapter. Such an agreement ~~shall~~will not become effective until presented to the

~~council~~Council for its approval and when so approved the tax imposed by this ~~chapter~~ shallChapter will be collected and administered pursuant to the terms of said agreement.

~~608.15~~ 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 director or any duly authorized agents or employees 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.~~

~~608.16~~211.15 Use of Proceeds

The ~~ninety-five (95%) percent~~ proceeds obtained from the collection of taxes pursuant to this ~~chapter shall~~Chapter must be used in accordance with Minnesota Statutes ~~Section~~§ 477A.018 ~~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~~City as a tourist or convention center.

~~608.17~~211.16 Appeals

~~1. 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.~~

~~2. The petition for review shall be filed with the City Clerk within ten days after the notice, order or determination for which review is sought has been mailed or served upon the person requesting review.~~

~~3. Upon receipt of the petition the City Manager, or his 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.~~

~~4. 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.~~

~~5. The hearing shall be conducted by the City Manager or his 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.~~

~~6. The person conducting the hearing shall make written findings of fact and conclusions 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.~~

~~7. Any decision rendered by the City Manager pursuant to this subdivision may be appealed to the City Council. A petitioner seeking to appeal a decision must file a written notice of appeal with the City Clerk 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 is practical. The Council shall then review the findings of fact and conclusions to determine whether they were correct. Upon a determination by the Council that findings and conclusions were incorrect, the Council may modify, reverse or affirm the decision of the City Manager or his designee upon the same standards as set forth in subdivision F.~~

1. Any person contesting a citation or decision associated with violations of this Chapter may file an appeal pursuant to the Appeals and Administrative Citations Chapter of the Code.

2. Within 14 business days of a determination by the Hearing Examiner, any person contesting that decision may appeal to the Council by submitting a written appeal to the City Clerk. At its next regular meeting following the Hearing Examiner's decision, the Council will affirm, repeal or modify that decision.

Section 8

Amending Fridley City Code Chapter 30 (Lawful Gambling).

Fridley City Code Chapter ~~30.706~~ Lawful Gambling

~~30.01.706.01~~ Statement of Policy Purpose

~~The City of Fridley deems it desirable to regulate lawful gambling within its jurisdiction as authorized by Minnesota Statutes, Section 349.213. The City finds that, for the purposes of greater supervision and access of information, a more restrictive requirement for the location of licensed organizations to those located within the City is in the interest of the health and safety of the citizens of the City of Fridley. The City of Fridley (City) deems it necessary to establish regulatory oversight of lawful gambling activities through enhanced supervision to promote the health, safety and welfare of the public, as authorized by Minnesota Statute (M.S.) § 349.213.~~

~~30.02.706.02~~ Definitions

The definitions in Minnesota State Statutes Chapter 349 are adopted by reference in this chapter. ~~Licensed organizations in the City of Fridley may be permitted to conduct lawful gambling or use any gambling device allowable by Chapter 349.~~

~~Licensed Organizations: In order to be eligible for a premises permit, an organization must meet the following requirements:~~

~~The activities of the organization directly or primarily benefit the citizens of Fridley.~~

~~A. One-third of the organization's members reside in the City of Fridley. The organization must file a list containing the names and addresses of all current members with each new application for a premises permit; and annually thereafter with the city clerk; or the organization must have had a principal business or operations location in the City of Fridley for a continuous period of at least one year immediately preceding the permit request and must maintain such a location to conduct business as long as the organization operates lawful gambling activities in the city. Organizations that meet one of these conditions shall be considered a qualifying organization.~~

~~30.03.706.03~~ Regulations

~~1. Licensed organizations in the City may be permitted to conduct lawful gambling or use any gambling device allowed by M.S. Chapter 349.~~

~~2. A licensed organization may not conduct lawful gambling at any site until it has first obtained from the Gambling Control Board a premises permit for the site. The Board will not issue a premises permit unless the organization submits with its application a resolution from the City Council approving the permit.~~

3. To be eligible for a permit, an organization must directly or primarily benefit the citizens of the City.

1.4. Licensed organizations conducting lawful gambling within the City ~~of Fridley~~ shall must expend ~~fifty percent (50%)~~ of its expenditures for lawful purposes conducted or located within the City's ~~of Fridley~~ trade area. The Fridley City's trade area is limited to the City ~~of Fridley~~ and each city contiguous to the City ~~of Fridley~~.

2.5. Licensed organizations conducting lawful gambling within the City ~~of Fridley~~ must file a copy of monthly gambling board financial reports to the ~~Fridley~~ City Clerk.

3.6. Licensed organizations conducting lawful gambling within the City ~~of Fridley~~ in an establishment licensed under ~~Chapter 603 Entitled "Intoxicating Liquor" or Chapter 606 Entitled "Intoxicating Liquor On-Sale Club"~~ the Liquor Chapter of the Fridley City Code may sell pull-tabs from a booth used solely by the licensed lawful gambling organization, or conduct such other forms of lawful gambling with lawful gambling devices as may be permitted by ~~state~~ State law and authorized by the City. Lawful gambling ~~shall~~ may neither be conducted by employees of the liquor establishment or conducted from the bar area.

4.7. Licensed organizations conducting lawful gambling in the City ~~of Fridley~~ shall ~~bear~~ responsible for booths and other equipment used in lawful gambling.

5. ~~No bingo hall license holder or lawful gambling license holder shall permit bingo to be conducted on the premises more than 4 days in any week, or permit more than 12 bingo occasions in any week.~~

8. Gambling endorsements for on-sale liquor licenses issued pursuant to the Liquor Chapter of the Code are subject to the following regulations, which are be deemed as a part of the license, and failure of compliance may constitute grounds for adverse action as prescribed in the Code:

(a) Use of the licensed premises must be by means of a State approved lease agreement between the licensee and the licensed organization. A copy of the lease must be filed with the City Clerk, and also a copy must be kept on the premises and available for public inspection upon request. Leases are be governed by the following:

(1) Any form of lawful gambling permitted by the State as defined by M.S. Chapter 349 and otherwise approved or licensed by the City may be conducted on the licensed premises.

(2) Pulltabs may only be conducted from a booth used solely by the licensed lawful gambling organization. Lawful gambling may neither be conducted by employees of the licensee or conducted from the bar service area.

(3) The construction and maintenance of the booth used by the licensed lawful gambling organization is the sole responsibility of the licensed lawful gambling organization.

(b) Only one licensed lawful gambling organization is permitted to conduct lawful gambling on the licensed premises.

(c) The licensee may not be reimbursed by the licensed lawful gambling organization for any license or permit fees, and the only compensation which the licensee may obtain from the licensed lawful gambling organization is the rent fixed in the lease agreement.

(d) The licensee is responsible for the licensed lawful gambling organization's conduct. The City Council may suspend the licensee's permission to allow lawful gambling on the premises for a period up to 60 days for any violation of State or local gambling laws or regulations that occur on the premises by anyone, including the licensee or the licensed lawful gambling organization. A second violation within a 12-month ~~suspension~~ period, and any additional violations within a 12-month period ~~will~~ may result in the revocation of the lawful gambling permission and may also be considered by the Council as grounds for suspension or revocation of the on-sale liquor license.

(e) Establishments licensed by the City for the sale of alcoholic beverages must seek qualifying organizations as defined in the Intoxicating Liquor Chapter of the Code whenever they contract with organizations to conduct lawful gambling on their premises. If the owner of the establishment is unsuccessful at locating a qualifying organization, they may attest to that fact on their liquor license application. The Council may waive this requirement for a non-qualifying organization.

30.04-706.04 Local Gambling Tax

A local gambling tax of ~~three percent (2%)~~ of the gross receipts from lawful gambling, lawful gambling, less prizes actually paid by the organization, ~~shall will~~ be paid to the City for the purpose of regulating said gambling. Any tax not utilized in conjunction with regulating said gambling ~~shall will~~ be returned to the contributing organizations annually. Organizations operating under a State and City approved lawful gambling exemption certificate are exempt from the local gambling tax.

30.05-706.05 State License Exemptions—and Exclusions, City Permit Required

1. Lawful gambling that is exempt or excluded from a license under ~~Minnesota Statute, section M.S. § 349.166-214~~, ~~shall requires~~ a City permit. Application for a permit ~~shall must~~ be made to the City Clerk with payment of the specified fee ~~in Chapter 11 of the City as established in the Fees Chapter of the~~ Code.

2. To qualify for a City permit, an organization must be in existence for at least three years and have at least 15 active members.

30.06- SEVERABILITY

~~Every section, provision or part of this Chapter is declared separable from every other section, provision or part to the extent that if any section, provision, or part of this Chapter shall be held invalid, such holding shall not invade any other section, provision or part thereof.~~

~~30.07. PENALTIES~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

Section 9

Amending Fridley City Code Chapter 34 (Mobile Food Units).

Fridley City Code Chapter ~~35-707~~ Mobile Food Units

~~35707~~.01 Purpose

The purpose of this Chapter is to protect the health, safety, and welfare of the community through the establishment of standards for mobile food units to operate in a safe and effective manner in the City of Fridley (City).

~~35707~~.02 Definitions

Mobile Food Unit: A food or beverage service that is a mounted vehicle, either motorized or trailer, and is readily movable without disassembling for transport to another location. The two distinct types of Mobile Food Units are detailed below:

1. Food Truck: A self-contained unit in which food is stored, cooked, or prepared for direct sale to the consumer while parked or stationary in one location.
2. Ice Cream Truck: A motor vehicle utilized as the point of retail sale of pre-packaged ice cream, frozen yogurt, frozen custard, flavored frozen water, or similar frozen dessert products, while travelling within the City.

~~35707~~.03 Food Truck License Required

1. All operators of food trucks must obtain a license to operate within the City.
2. No person may operate a food truck within the City without a valid license from Anoka County or a Minnesota Department of Health license.
3. No license issued under this Chapter may be transferred to any other person or entity~~business~~.
4. A license issued under this Chapter becomes effective from the date on which the license is issued through April 30 of the subsequent year.
5. A copy of the valid license must be openly displayed at all times in the ~~food truck~~mobile food unit when it is within the City.
6. For the purposes of this Chapter, any food truck equipped with appliances that produce smoke or grease-laden vapors must submit to a Fire Safety Inspection performed by the Fire Division, pursuant to the Mobile Food Preparation Vehicles Chapter of the Minnesota State Fire Code.

35707.04 Food Truck License Application

1. No person may operate a food truck within the City without a valid license from the City, which includes the following requirements:

- (a) The full legal name of the owner of the food truck;
- (b) The full legal name of the operator of the food truck, other commonly known names the operator may use, the operator's date of birth, and a copy of their driver's license;
- (c) A list of names of all persons working in the food truck;
- (d) A description of the nature of the business and the goods to be sold out of the food truck;
- (e) A description of the food truck and valid license plate number for any vehicle associated with a City food truck license;
- (f) The name, address and contact information for the restaurant with which the food truck is affiliated, if applicable;
- (g) A complete Background Investigation Consent Form;
- (h) A Certificate of Insurance proving commercial general liability coverage of not less than \$1 million for each occurrence, or a \$2 million annual aggregate;
- (i) Proof of workers' compensation insurance, or evidence of exemption, is required;
- (j) A copy of the applicant's State sales tax identification number, with a complete State SP:C1 Form; and
- (k) Written consent of each private property owner from which sales from a food truck will be conducted.

35707.05 Food Truck Allowed Activities

1. Mobile food trucks are allowed under the following circumstances:

- (a) In conjunction with a private party or event located at a City park, provided the renter of the park has a valid park rental permit issued from the City;
- (b) In conjunction with an event sponsored by the City taking place on City-owned property with written consent of the City Manager or ~~their~~a designee;
- (c) In conjunction with a school-sponsored event taking place on school-owned property with written consent of the school official; or

(d) In conjunction with a private event, on private property with written consent from the property owner.

35707.06 Food Truck Prohibited Activities

1. No mobile food truck operators may conduct business in the following manner:

(a) Calling attention to their business or the items to be sold by means of blowing any horn or whistle, ringing any bell, yelling, or by making any other noise that would disturb the peace and enjoyment of the general public.

(b) Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way. An operator may not park a food truck on any public right-of-way or in residential zoning district except during events permitted under this Chapter.

(c) Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.

(d) Conducting business before 7:00 a.m. or after 10:00 p.m.

(e) Failing to provide license, registration, or identification when requested.

(f) Using the registration of another person or business.

(g) Using false or misleading statements about the products or services being sold, including untrue statements of endorsement. No food truck operator may claim to have the endorsement of the City solely based on the City having issued a license to that person.

(h) Remaining on the property of another when requested to leave.

(i) Operating their business in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.

(j) Operating on the same property more than 21 days in a 60-day period.

(k) Disposing ~~wastegray~~ water into any City stormwater drain. ~~WasteGray~~ water must be drained daily in the sanitary sewer system, and in an appropriate manner.

(l) Failing to provide refuse containers for customers. The operator of a food truck is responsible for removing all refuse associated with the food truck operations.

(m) No overnight storage of a food truck is permitted.

35707.07 Food Truck Signs

1. A licensed food truck is not required to obtain a Sign Permit from the City. However, no additional signage is permitted beyond that which is affixed to the food truck unless it meets the following requirements:

- (a) One single sandwich board style sign is permitted per food truck;
- (b) The maximum sign size is eight square feet;
- (c) The sign must be placed on the ground and be within 10 feet of the food truck;
- (d) The sign must not be placed in a manner that obstructs passage upon any sidewalk;
- (e) The sign must not be placed within the improved travel surface of the public right-of-way.

35707.08 Ice Cream Truck License Required

1. All operators of ice cream trucks must obtain a license to operate within the City.
2. No license issued under this Chapter may be transferred to any other person.
3. A license issued under this Chapter becomes effective from the date on which the license is issued through April 30.
4. A valid license must be openly displayed at all times when the ice cream truck is within the City.

35707.09 Ice Cream Truck License Application

1. No person may operate an ice cream truck within the City without a valid license from the City, which includes the following requirements:
 - (a) The full legal name of the owner of the ice cream truck;
 - (b) The full legal name of the operator of the ice cream truck, other commonly known names the operator may use, the operator's date of birth, and a copy of their driver's license;
 - (c) A description of the types of confections to be sold out of the ice cream truck;
 - (d) A description and valid license plate number for any vehicle associated with the license;
 - (e) A completed Background Investigation Consent Form;
 - (f) A Certificate of Insurance proving commercial general liability coverage of not less than \$1 million for each occurrence, or \$2 million annual aggregate is required;

(g) Proof of workers' compensation insurance, or evidence of exemption, is required;

(h) A copy of the applicant's State sales tax identification number, with a complete State SP:C1 Form;

35707.10 Ice Cream Truck Routes and Hours of Operation

1. Operations may be carried on only between the hours of 10:00 a.m. and 8:00 p.m.
2. The proposed area in which the licensed vehicle will travel each day while within the City.
3. The licensee must only operate on streets as approved by the City Manager or ~~their~~a designee. Changes to a proposed area or route must be submitted to, and approved by, the City Manager or ~~their~~a designee at least 10 days in advance of making any change.
4. At no time, may the licensee operate the ice cream truck outside of the area or route approved by the City Manager or ~~their~~a designee. This section does not apply to emergency situations or travel to and from the approved route.

35707.11 Ice Cream Truck Operations

1. When engaged in any vending operations, the ice cream truck must be parked as close to the street curb as practical. All vending must be done only at the curb side of the ice cream truck.
2. Ice cream trucks must not be parked in a manner that encourages unsafe pedestrian behavior, including but not limited to, encouraging the unsafe crossing of busy thoroughfares.
3. Ice cream trucks must be stopped or parked so as to not obstruct or cause a hazard to traffic or create danger of injury to customers or the general public.
4. All ice cream trucks must be equipped with flashing lights on both the front and rear of the vehicle, which must be clearly visible to oncoming traffic in full daylight.
5. No ice cream truck may be moved backward if:
 - (a) There is a substantial number of people congregated near the ice cream truck.
 - (b) The ice cream truck operator has reason to believe there are minors or persons with disabilities near the truck.
 - (c) Movement in such direction threatens injury to any person in or near the ice cream truck.
6. Ice cream trucks must carry signaling or warning devices that enable the attendant to give adequate warnings to pedestrians or other vehicles on the street.

7. Except as permitted by this Chapter, while transiting within their designated area or route, no ice cream truck may operate any device that produces any noise or sound for the purpose of attracting persons to the ice cream truck.

8. Ice cream trucks may sound a manually operated bell in the areas of and the hours established in this Chapter, which produces a noise level measured at 50 feet from the source, no greater than 65 decibels, as defined in the Noise Chapter of the Fridley City Code (Code).

9. Ice cream trucks may not operate within one block of any school zone in the City.

35707.12 Suspension, Revocation, or Grounds for Denial

1. Any license issued under this Chapter may be suspended, revoked, or denied renewal by the City Manager or ~~their~~a designee. Grounds include:

(a) Subsequent knowledge by the City of fraud, misrepresentation, or incorrect statements provided by an applicant on the application form;

(b) Fraud, misrepresentation, or false statements made by the applicant in the application process;

(c) Engaging in any prohibited activity as provided under of this Chapter; or

(d) Violation of any other provision of this Chapter or Code, or any provision of State law.

2. The suspension or revocation of a license will apply to the owner of the mobile food unit, the operator of the mobile food unit (if different) and any other person authorized to work in the mobile food unit.

3. Prior to suspending or revoking any license issued under this Chapter, the City will provide the licensee with written notice of the alleged violations and inform them of their right to a hearing on the alleged violation. Notice will be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application.

4. Any person contesting a license suspension or revocation or other decision by the City associated with violations of this Chapter may file an appeal pursuant to the Appeals and Administrative Citations Chapter of the Code.

5. Within 14 business days of a determination by the Hearing Examiner, any person contesting that decision may appeal to the Council by submitting a written appeal to the City Clerk. At its next regular meeting following the Hearing Examiner's decision, the Council will affirm, repeal, or modify that decision.

6. If, in the discretion of the City Manager or ~~their~~a designee, imminent harm to the health or safety of the public may occur because of the actions of any mobile food unit operations licensed under this Chapter, the City Manager or ~~their~~a designee, may immediately suspend the license by notifying the licensee in writing.

| 35707.13 Fees

The fees for this Chapter are set in the Fees Chapter of the Code.

Section 10

Amending Fridley City Code Chapter 21 (Christmas Trees).

Fridley City Code Chapter ~~21.708~~ ~~Christmas Trees~~ Cut Tree Lots

708.01 Purpose

This Chapter protects the health, safety and welfare of citizens by requiring establishments engaged in retailing combustible cut trees to obtain a City license.

~~21.01.~~ 708.02 License Required

No person, firm or corporation shall within the City of Fridley trade, barter or sell any cut evergreen, fir, spruce or other tree of like kind for what is generally known and described as a Christmas tree, without first having obtained a license so to do.

~~21.02.~~ 708.03 Application

Every applicant for such license ~~shall~~ must file an application with the City ~~Clerk~~, stating their name, address, ~~and~~ the address of the place of intended sale of such trees, ~~and~~ the name of the owner of said property, together with the name of the person ~~from whom and the place from which the applicant intends to cut or secure the trees intended to be sold~~ who will be supplying the trees.

~~21.03.~~ 708.04 ~~Fee~~ Fees and deposit for cleaning

~~The annual license fee and expiration date shall be as provided in Chapter 11 of this Code.~~

1. Fees for this license are set in the Fees Chapter of the Code.

2. In addition to the license fee, the applicant must pay a deposit for cleaning to insure that the place of sale will be cleaned and cleared by January 5 of the year following. It shall be the duty of the Fire Marshal to determine whether or not the place of sale is properly cleaned and cleared. If the place of sale is properly cleaned and cleared by the above date, the money deposited will be returned to the applicant. If the place of sale is not properly cleaned and cleared, as determined by inspection, the deposit will be forfeited to the City as a penalty and used to defray the expenses of the City in cleaning and clearing of said area.

~~21.04.~~ 708.05 Restrictions of sale

1. ——— No Christmas tree lot shall ~~be~~ located in any non-institutional district property zoned for residential occupancies. No Christmas tree lot shall be located less than twenty (20) feet from any adjoining building or structure.

1. No cut tree sales may occur in residential districts, unless it is a legal institutional use authorized by the zoning chapters of the Code. Unless sales are taking place inside a building or structure, the sale lot must be located less than 20 feet from any adjoining building or structure.

2. ~~Each lot shall~~ must be laid out in such a manner as to provide aisles between the rows of tress that are not less than ~~ten (10)~~ feet wide and may not obstruct any forms of egress.

~~3. Trees not treated with fire retardant materials shall not be stored inside of or offered for sale inside of any heated building. No trees shall be stored inside or offered for sale in any building which is used in whole or in part for residential purposes.~~

~~21.05. Deposit for cleaning~~

~~In addition to the license fee at the time of filing, the applicant shall deposit the sum of One Hundred and no hundredths Dollars (\$100.00) with the City Clerk to insure that the place of sale will be cleaned and cleared of Christmas trees, wreaths and trimmings by January 5th of the year following the year in which the license is issued. It shall be the duty of the City Fire Prevention Officer to determine whether or not the place of sale is properly cleaned and cleared. If the place of sale is properly cleaned and cleared by the above date, the money deposited shall be returned to the applicant. If the place of sale is not properly cleaned and cleared, the deposit shall be forfeited to the City as a penalty and used to defray the expenses of the City in cleaning and clearing said area.~~

~~21.06. PENALTIES~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

Section 11

Amending Fridley City Code Chapter 13 (Gasoline Sales).

Fridley City Code Chapter ~~13.709 Gasoline Sales~~Automotive Fuel Stations

709.01 Purpose

The purpose of this Chapter is to establish specific operational standards for automotive fuel stations and fuel sales in the City of Fridley (City).

~~13.01.709.02~~ Definitions

~~The following definitions shall apply in the interpretation and application of this Chapter and the following words and terms, wherever they occur in this Chapter, are defined as follows:~~

~~1. Premium gasoline. When not otherwise determined by federal or state authority, shall mean any gasoline having not less than a research octane value of 97.0 as determined by test procedure D90856 of the American Society for Testing Materials. (Ref. 111).~~

~~2. Regular gasoline. Any gasoline having not less than a research octane of 88.0 as determined by test procedure D98056 of the American Society for Testing Materials.~~

~~3. Advertise. The offering for sale or selling to the general public, by advertisement, whether oral, written, printed or visual, or in any manner whatsoever of gasoline as herein defined.~~

Automotive fuel station: any property or any portion of property on which container(s) or tank(s), either portable or stationary, equipment, wells or terminals, or fuel dispensing devices are located and fuel is, or intended to be, transported, stored or dispensed on the property. Any facility that is either open to the public for sale of fuel or for private operations of or use in connection with any commercial, industrial, business, or governmental establishment, or for both. The provisions of this chapter shall not apply to any place where such flammable liquids are kept or sold for medicinal purposes only or for personal residential use with containers of not more than five gallons capacity.

Fuel: any flammable or combustible liquid(s), including but not limited to carbon bisulphide, gasoline, acetone, naphtha, benzole, hydrocarbon (gas drips), liquefied petroleum gas (propane), kerosene, turpentine, or other flammable liquids having a flash point below 165° F.

Fuel dispensing station: the designated area where hoses and nozzles are provided for the purpose of transferring and dispensing any fuel from a container or tank or similar vessel to any motorized vehicle or portable container.

Fuel dispensing device: any container, pump or other device for supplying any fuel to vehicles or container; and every hose or pipe for transmitting fuel passing over or under the ground.

~~13.02. Advertising of gasoline~~

~~No person shall advertise for sale to the public, or sell to the public, any gasoline as premium or high grade or high test or described by any similar term intended to convey the impression that such gasoline is premium quality or use the term ethyl in any gasoline advertisement in such a manner as to indicate that the gasoline is of premium quality unless such gasoline has the octane value set forth above for premium gasoline.~~

~~13.03. Sales as advertised~~

~~No person shall advertise for sale to the public, or sell to the public, gasoline as regular or high test regular or high octane or high grade regular or under any other similar name unless such gasoline shall conform to the standards set forth in Section 13.01.~~

~~13.04. Misrepresentation~~

~~Each sale and each misrepresentation as to octane specification as herein defined shall constitute a separate offense.~~

~~13.05-709.03~~ License required, ~~fee~~

~~1. No gasoline pump shall automotive fuel station or fuel dispensing device may be erected, placed, kept or maintained in any location whatsoever within the City of Fridley unless it meets all applicable requirements of any zoning and or fire code prevention requirements of the Code and the owner or proprietor has obtained a license.~~

~~The annual license fee and expiration date shall be as provided in Chapter 11 of this Code.~~

~~2. Each automotive fuel station must be maintained in accordance with the provisions of the Code and the Minnesota State Fire Code. Each automotive fuel station will be subject to one inspection per year by the Fire Marshal or a designee.~~

~~3. A license issued pursuant to this Chapter may be suspended or revoked for any violation of the Code or the Minnesota State Fire Code.~~

709.04 Minimum Standards of Operation

To maintain the license to operate issued by the City, the operator must comply with the following minimum standards of operation:

1. Zoning. Automobile fuel stations are allowed pursuant to the zoning chapters of the Code. The standards and requirements for automotive fuel stations are in addition to those which are imposed for other uses and activities occurring on the property.

2. Litter. The licensee is responsible for litter control on the subject property, which is to occur on a daily basis. Waste receptacles must be provided at a convenient location on site to facilitate litter control.

3. Noise. The licensee is responsible for noise control on the subject property pursuant to the Noise Chapter of the Code. A public address system may not be audible past the subject property line.

4. Exterior Lighting. Sources of exterior illumination must be in compliance with the Lighting Chapter of the Code.

13.06.709.05 Public nuisance

~~Whenever the Council shall find that a gasoline pump has previously been erected, placed, kept or maintained in any location, and that such erection, placement, keeping or maintaining has caused, or tends to cause a public nuisance, whether the same be by reason of danger of fire, traffic safety wise, unsanitary conditions on the premises, or other factors injurious to public health, safety and the general welfare, that then the Council may withhold the granting of a further license or permit required therefore, with respect to any premises upon which the same are located until such nuisance or threatened nuisance be corrected or abated, as the case may be, or the Council may issue the same upon condition that any such nuisance be corrected and abated and cease to exist within such a reasonable period of time as the Council shall state.~~

If an automotive fuel station or a fuel dispensing device is found to create a public nuisance, the City may delay or add conditions to the required license. A public nuisance could include fire hazards, traffic safety problems, unsanitary conditions, or anything else that could harm public health, safety and welfare. The City will withhold licenses until the nuisance are repaired and have been inspected.

~~13.07. ——— PENALTIES ———~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

Section 12

Amending Fridley City Code Chapter 24 (Junk Yards).

Fridley City Code Chapter ~~24. 710 Junk Yards~~ Vehicle Salvage Facilities

710.01 Purpose

Vehicle salvage yards process materials and debris contaminated by petroleum and chemical products, generate waste tires, batteries and other materials requiring special disposal methods, and store accumulations of materials and debris with the potential of contamination of soil, groundwater and surface waters. It is in the best interests of the public's health, safety and welfare to regulate their operations for the protection of the environment, to preserve the public's health, and guard against the danger of fire in the City of Fridley (City).

710.02 Definitions

Junk: includes, but not be limited to old or scrap copper, brass, rope, rags, batteries, paper, synthetic or organic, trash, tires, rubber debris, solid or liquid waste, junk vehicles, dismantled vehicles, parts from vehicles, machinery, machinery parts, iron, steel and other old or scrap ferrous or nonferrous material.

Junk Vehicle: A vehicle that meets all of the following criteria:

1. Is extensively damaged with the damage including such things as broken or missing wheels, motor, drive train, transmission or appears to be otherwise inoperable; and
2. Does not have a valid and current registration plate.

Vehicle Salvage Facility: any person engaged in the business of obtaining used motor vehicles to salvage and sell usable parts and who maintains a premises upon which to accumulate and dismantle such vehicles. Any person engaged in a business that allows more than one vehicle to be dismantled in whole or in part on his property for more than thirty days is a Vehicle Salvage Facility, unless licensed as a repair garage under Chapter XXX. ~~property that stores or keeps two or more junk vehicles or ten or more pieces of junk.~~

~~24.01.~~ 710.03 License Required

1. No person ~~shall may~~ own, operate, or maintain any ~~junk yard~~ Vehicle Salvage Facility in the City of Fridley without obtaining a license ~~therefore~~ pursuant to the provisions of this ~~code~~ Chapter.

~~24.02.~~ Application —

~~Application shall be made with the City Clerk on forms furnished by the City. The applicant shall provide such information as the City Clerk shall require. Applicants who also engage in the~~

~~business of motor vehicle body repair, as defined in Chapter 18, Section 18.02.02, may file a joint application where the requirements of the applicants in Chapter 18 and Chapter 24 are submitted and reviewed together. (Ref. 1.000)~~

2. Approval of such a license is contingent upon inspection by the Public Safety Director, the Fire Marshall and the Community Development Director or a designee to ensure all City, State, County, Fire and environmental regulations. After the application has been approved by applicable departments the license must be forwarded to the Fridley City Council for approval.

3. Conditions. If there are any conditions on the license, those conditions will be included on and incorporated into the license in writing.

~~24.03. Fees —~~

~~The annual license fee and expiration date shall be provided in Chapter 11 of this Code. The fee schedule for licensees who file a joint application as a Motor Vehicle Body Repair Business are listed as "Joint Applications" under Chapter 18. (Ref. 1000)~~

~~24.04. Approval~~

~~Upon receipt of a fully completed application the city clerk shall forward the application to the public safety director, fire marshal and city planner for approval to ensure applicant has met all regulations and requirements of any state, county and City zoning or special use conditions. After the application has received staff approval, the information shall be forwarded to the city council for its approval. After the city council has approved the license, the city clerk shall issue the license to the applicant. If there are any conditions on the license, those conditions shall be included on and incorporated into the license in writing. (Ref 1324)~~

~~24.05. PENALTIES —~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

Section 13

Amending Fridley City Code Chapter 18 (Motor Vehicle Body Repair Businesses).

Fridley City Code Chapter ~~18.711~~ Motor Vehicle ~~Body~~ Repair Businesses

~~18.01.—711.01~~ Purpose ~~and intent~~

It is the purpose of this ordinance to regulate Motor Vehicle ~~Body~~ Repair Businesses, including body repair to promote the health, safety, and general welfare of the citizens of the City and to establish reasonable and uniform regulations for operation.

~~18.02.—~~ Definitions

~~As used in this Chapter, the following terms shall mean:~~

~~1. — Motor Vehicle.~~

~~"Motor vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public roadway and which device is self-propelled. Motor vehicle does not include a vehicle moved solely by human power or a vehicle used primarily in connection with the care or cultivation of lawn and gardens, or which is used primarily for recreational purposes off of public roadways; by way of example, this exclusion includes lawn and garden tractors, riding lawn mowers, snowmobiles, and all terrain vehicles. Motor vehicle does include, by way of example and not limitation, new or used automobiles, trucks, motorcycles, motor scooters, and motorized bicycles. In addition to the above, motor vehicle includes any new or used automobiles, truck, motorcycle, motor scooter, or motorized bicycle used in connection with racing or other public contest.~~

~~2. — Motor Vehicle Body Repair Business.~~

~~A. — Motor Vehicle Body Repair Business shall include any facility, place, service, or business, including mobile businesses, where the exterior body components or vehicle frame components of a motor vehicle are repaired, replaced, straightened, aligned, sanded, primed, or painted for money, fee, or other consideration.~~

~~B. — A mobile Motor Vehicle Body Repair Business shall include any business which utilizes a vehicle which goes from place to place for the purpose of making motor vehicle body repairs.~~

~~C. — A Motor Vehicle Body Repair Business shall exclude those businesses which do not engage in the activities described in 18.02.2.A. or B. but which engage in the following activities:~~

~~(1) — Facilities, places, or businesses where mechanical work only is performed on motor vehicle engines, engine components and accessories, air conditioning,~~

~~repair or replacement of window glass, brakes, transmissions, vehicle suspensions, exhaust systems, tire repair and replacement, electrical systems including lights, or repair or replacement of other moving parts of motor vehicles.~~

~~(2) Motor vehicle refueling activities or facilities which change, add to, or replace motor vehicle fluids.~~

~~(3) Businesses which tow motor vehicles.~~

~~3. Exterior Body Components.~~

~~Exterior body components are the metal, fiberglass, plastic, or other material comprising the exterior of a motor vehicle including, without limitation but by way of example, fenders, hood, quarter panel, roof, trunk lid, bumpers, grills, and doors. This excludes window glass and lights.~~

~~4. Person.~~

~~A natural person, firm, partnership, association, corporation, company, or organization of any kind.~~

~~5. Public Safety Director.~~

~~The Public Safety Director of the City of Fridley or the Director's designee.~~

~~6. City.~~

~~The City of Fridley, Minnesota, a municipal corporation.~~

~~7. Licensee.~~

~~The person to whom a license is issued under this Chapter including those persons who have completed or are required to complete applications as an individual applicant, whether or not said individual applicant information has been properly completed.~~

711.02 Definitions

Exterior body components: the metal, fiberglass, plastic, or other material comprising the exterior of a motor vehicle including, without limitation but by way of example, fenders, hood, quarter panel, roof, trunk lid, bumpers, grills, and doors. This excludes window glass and lights.

Licensee: the person to whom a license is issued under this Chapter including those persons who have completed or are required to complete applications as an individual applicant, whether or not said individual applicant information has been properly completed.

Vehicle: every device in, upon, or by which any person or property is or may be transported or drawn upon a public roadway and which device is self-propelled. Vehicle does not include a vehicle moved solely by human power or a vehicle used primarily in connection with the care or

cultivation of lawn and gardens, or which is used primarily for recreational purposes off of public roadways; by way of example, this exclusion includes lawn and garden tractors, riding lawn mowers, snowmobiles, and all-terrain vehicles. Vehicle does include, by way of example and not limitation, new or used automobiles, trucks, motorcycles, motor scooters, and motorized bicycles.

Vehicle Repair Business: includes any facility, place, service, or business where minor or major repair of motor vehicles is conducted. Repair includes but it not limited to servicesactivities that include mechanical work performed on vehicle engines, engine components and accessories, air conditioning, brakes, transmission, vehicle suspensions, exhaust systems including lights, or repair or replacement of moving parts of motor vehicles. Businesses excluded from this definition, include quick service lubrication facilities that service the vehicle while the owner is on-site, fuel stations, and businesses that tow motor vehicles.

Vehicle Repair Business: includes any facility, place, service, or business, where the exterior body components or vehicle frame components of a motor vehicle are repaired, replaced, straightened, aligned, sanded, primed, or painted.

~~18.03. MOTOR VEHICLE BODY REPAIR BUSINESS DISTRICTS~~

~~Motor Vehicle Body Repair Businesses require a Special Use Permit in C-1, C-2, C-3, and M1 Zoning districts and are a permitted use in M2 Districts~~

~~18.04. License required~~

~~No person shall exercise, carry on or be engaged in the trade or business of a Motor Vehicle Body Repair Business without first obtaining a license from the City as provided in this Chapter.~~

~~18.05. Initial license application~~

~~1. General.~~

~~Applications for Motor Vehicle Body Repair Businesses to be issued under this Chapter shall contain information as required on forms prescribed by the City.~~

~~2. Nature of Application.~~

~~The application shall state whether the applicant is a natural person, corporation, partnership, association, or other form of organization.~~

~~3. Individual Applicant.~~

~~If applicant is an individual applicant and a natural person, corporation, partnership, association, or other form of organization, the following information shall be furnished:~~

~~A. True name, place and date of birth and street residence address, and length of time at that address, of applicant.~~

~~B. Whether applicant has ever used or been known by a name other than the applicant's true name and, if so, what was such name or names, and information concerning dates and places where used.~~

~~C. The name of the business if it is to be conducted under a designation, name or style other than the full individual name of the applicant.~~

~~D. Kind, name and location of every business or occupation in which applicant has been engaged during the previous five (5) years.~~

~~E. Name and location of every Motor Vehicle Body Repair Business in which applicant had an ownership interest or for which applicant has performed services during the preceding five years. As to each such business, state the names and addresses of applicant's employers, corporate entities involved, and partners, if any.~~

~~F. Whether applicant has ever been convicted of a felony in the past ten years or a gross misdemeanor in the past five years, excluding traffic violations, and if so, the date and place of conviction and the nature of the offense. Whether applicant has been convicted of a misdemeanor involving a Motor Vehicle Body Repair Business including its licensing, or operation, or any other misdemeanor concerning theft, possession of stolen property, or consumer fraud in the past five years, and if so, the date and place of conviction and the nature of the offense.~~

~~G. Whether applicant has ever had a business license revoked or denied by the City or any other governmental entity in connection with the operation of a motor vehicle body repair facility.~~

~~H. The Environmental Protection Agency Identification Number for all activities to be conducted.~~

~~I. Anoka County Hazardous Waste Generator's License Number for activities to be conducted.~~

~~J. Information regarding insurance coverage as required herein.~~

~~K. The street address and exact legal description of the location from which the business to be licensed is to be conducted shall be provided; for a proposed new business which will not utilize an existing building at the location on which the operation is proposed, a plot plan shall accompany the license application showing dimensions, location of buildings, street access, and parking facilities. If a mobile business is to be licensed, the applicant shall state the location where the calls are to be received, the location where the mobile vehicle's use in the business are to be parked when not in use, and shall identify by make, model, and year the vehicles to be used in the business.~~

4. Partnership.

~~In addition to the information required of an individual applicant, if applicant is a partnership, the names and addresses of all partners who own more than five percent (5%) of the partnership, singly and all partners who, singly or together with their spouse, parent, brother, sister, or child or any of them, own or control an interest in the partnership in excess of twenty-five percent (25%), shall in addition provide all information required of an individual applicant. A managing partner or partners shall be designated who shall, regardless of the share of their partnership interest, provide all information required of an individual applicant.~~

~~5. Corporation.~~

~~If applicant is a corporation or other association, the following information shall be required in addition to the information required of an individual applicant:~~

~~A. Name and, if incorporated, the state of incorporation.~~

~~B. A true copy of the certificate of incorporation, articles of incorporation or association agreement and by-laws and, if a foreign corporation, a certificate of authority as described in Minnesota Statutes.~~

~~C. The name of the operating officer or other agent in charge of the business to be licensed, and as to such person, the information required by an individual applicant. As used in this Chapter, the term "operating officer" shall mean the person responsible for the day-to-day operating decisions of the licensed business.~~

~~D. A list of all persons who, singly or together with their spouse, or a parent, brother, sister, or child or any of them, own or control an interest in said corporation or association in excess of twenty-five percent (25%); or any shareholder who singly holds an interest of five percent (5%) or more in the business to be licensed and who is active in the operation of the business; and the officers of the corporation or association who have management responsibility or input or control over the management and operation of the business, together with their addresses and all information as is required of an individual applicant.~~

~~E. The information required in 5.D above shall not be required of a corporation who's stock is publicly traded on a stock exchange or in the over the counter market.~~

~~6. Corporation as Partner, Shareholder, or Other Owner.~~

~~If a corporation has an ownership interest of twenty-five percent (25%) or greater as a shareholder in another corporation, as a partner in a partnership, or in an association or other business entity, all information required herein for a corporation or partnership as an applicant shall be provided as to the corporation owning the twenty-five percent (25%) or greater ownership interests.~~

~~7. Location of Business.~~

~~The street address and exact legal description of the location from which the business to be licensed is to be conducted shall be provided; for a proposed new business which will not utilize an existing building at the location on which the operation is proposed, a plot plan shall~~

~~accompany the license application showing dimensions, location of buildings, street access, and parking facilities. If a mobile business is to be licensed, the applicant shall state the location where the calls are to be received, the location where the mobile vehicle's use in the business are to be parked when not in use, and shall identify by make, model, and year the vehicles to be used in the business.~~

~~8. — Other Information Required.~~

~~Such other information as the City Council shall require.~~

711.03 License Required

1. No person may own, operate, or maintain any Vehicle Repair Business in the City without obtaining a license pursuant to the provisions of this Chapter.

2. Applications must be made with the City Clerk in the format prescribed by the City.

3. Approval of such a license is contingent upon inspection by the Public Safety Director or a designee, the Fire Marshall and the Community Development Director or a designee to ensure compliance with State and local regulations.

4. Location of business. Prior to issuance of a vehicle repair business license the location must be zoned for such use. The licensee must submit a site plan showing the amount of off-street parking spaces that are needed for parking customers vehicles. Vehicles parked outside of the building overnight for the business use is limited to the parking area specified in the site plan. The purpose of administering the parking of vehicles it to prevent congestion, unsightliness or nuisance to the neighboring property and to the general public.

5. Conditions. If there are any conditions on the license, those conditions will be included on and incorporated into the license in writing.

6. Licenses are not transferable.

7. The City Clerk will issue the license after the recommendations by City staff, provided that the application contains all of the information required by this Chapter and any stipulations made through the zoning process are met.

8. In the event of the sale of the business or the licensee's death, the business shall be allowed to continue to operate for up to 30 days. The successor's application must be submitted within 30 days from the date of the sale of the business or the licensee's death. In the event an application is not received within 30 days, the business license will expire.

9. The license if granted, must state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the Vehicle Repair Business or its designation as a Mobile Vehicle Repair Business. The license must be posted in a conspicuous place at or near the entrance to the Vehicle Repair Business so that it may be easily read at

any time or copies may be available for inspection on each vehicle used in connection with a Mobile Vehicle Repair Business.

10. Each license will be issued to the applicant only and is not transferable. Each license will be issued only for the premises described in the application and is not transferable to a different location. No change in ownership, control or location of a license will be permitted except by amendment to the license which amendment must be approved by the Council.

11. Every license applicant must provide and maintain in full force and effect public liability insurance in the amount of \$1 million. A copy of the certificate of insurance or binder showing such coverage must be attached to the initial, renewal or amended application for license.

12. Maintenance of records required. Every Vehicle Repair Business must maintain, on the premises, original records which include all work orders and invoices for all customers for whom motor vehicle body repairs have been performed. In addition, every Vehicle Repair Business must maintain a record of all parts that are purchased including the source, price, and method of payment. Purchase invoices must be maintained for all parts purchased by the licensee. These records must be immediately available for inspection and review by enforcement officials and must be retained on premise for at least two years.

13. Motor vehicle identification numbers. The applicant may not allow any motor vehicle parts to be installed in which the manufacturer's identification numbers have been removed or altered. Manufacturer's identification includes vehicle identification number (VIN), federal motor vehicle safety certification label and component labels. Manufacturer's identification numbers also include all references in the federal motor vehicle theft law enforcement act of 1984 and the federal motor vehicle theft prevention standard codified as part of the Code of Federal Regulations.

14. Severely damaged vehicles. Immediately upon arrival at the motor vehicle repair business, the damaged vehicle must be inspected to ensure that there are no fluids leaking from the vehicle.

15. Environmental compliance. Waste shall be managed in accordance with the requirements of the Minnesota Pollution Control Agency and Anoka County. A copy of the current Hazardous Waste Generator License, Waste Tire Management Procedures, and similar documentation for the facility must be provided to the City upon request.

16. Inspection. An applicant or licensee shall permit representatives of the City to inspect the premises of a Motor Vehicle Repair Business, including all vehicles used in said business, for the purpose of ensuring compliance with the law at any time vehicle repair is occurring or open for business. If admission is refused, or if an inspection is requested and denied at a time when the licensee is not open for business, the City and its Departments may apply to the Court for a warrant to gain admission.

17. Refusal, suspension or revocation. It is unlawful for any applicant or licensee to intentionally make a false statement or omission upon any application form. Any intentional false statement in such application or any intentional omission to state any information called

for on such application form, will upon discovery of such falsehood, be grounds for denial of a license, or if such license is already issued, will be grounds for revocation. Issuance of a license will not protect the applicant from prosecution of violation for this section. Any applicant who gives or furnishes an intentional false statement or intentional omission is also subject to the penalties provisions of the Code.

18. The City Council may suspend or revoke a license issued under this Chapter if the licensee fails to comply with all laws and regulations applicable to the operation of business including all zoning laws and environmental laws and regulations, or in the event of a criminal conviction involving the Vehicle Repair Business, by the licensee, the operating officer of the licensee, or any owner of the licensee.

19. The City Council may suspend or revoke a license issued under this Chapter upon a finding of a violation of any of the provisions of this Chapter or any other City Code Chapter, any State Statute regulating Vehicle Repair Businesses. Any criminal conviction by a court of law involving the licensed businesses for theft, receiving stolen property, or any other crime or violation involving stolen property will result in the immediate suspension pending a hearing on revocation of any license issued hereunder.

20. The Council may revoke a license if the land use approval for the business premises to allow the Vehicle Repair Business has been revoked or has lapsed.

21. The Council may revoke or suspend the license if the licensee, any operating officer of the licensee, or any person required to submit information as if an individual applicant, is convicted of knowingly possessing or using stolen vehicles or vehicle parts.

22. The Council may revoke or suspend the license of a licensee who has not complied with the requirements of this chapter.

23. Except in the case of a suspension following a criminal conviction pending a hearing on revocation, a revocation or suspension of a license by the Council must be preceded by a public hearing. The hearing notice must be given at least 10 days prior to the hearing, including notice of the time and place of the hearing, must state the nature of the charges against the licensee, and must be mailed to the licensee by certified mail at the business address stated in the license.

711.04 Fees

The fees for this Chapter are set in the Fees Chapter of the Code.

18.06. Renewal applications

1. License Period, Expiration.

~~Each initial license and each renewal license shall be issued for a period of one year. The fee for a renewal license shall be provided by Chapter 11 of the City Code. Where changes occur in connection with a renewal of a license, or in connection with a proposed transfer or other~~

~~amendment of a license, as to those changes, the provisions of this Chapter as to information required in an initial application shall be provided as to all changes.~~

~~18.07. Execution of application~~

~~If the application is by an individual person, it shall be signed and sworn to by such person; if by a corporation, by the operating officer thereof; if by a partnership, by one of the general partners; if by an association, by the operating officer or managing officer thereof. If the applicant is a partnership or association, the application and license shall be made and issued in the name of the partnership or association. Any intentional false statement in the application shall result in the denial of the application. Any negligent false statement or any inadvertent omission shall result in denial of the license until the error or deficiency is corrected.~~

~~18.08. Granting licenses~~

~~1. — At the time of making an initial or renewal application, the applicant shall, in writing, authorize the Police Department of the City to investigate all facts set out in the application and do a personal background and criminal record check on the applicant, including all persons required to provide information as if they were individual applicants. The applicant and all persons disclosing as of individual applicant shall further authorize the Police Department to release information received from such investigation to the City Council to the extent that it reveals a felony conviction in the past ten (10) years, other criminal activity in the past five (5) years, or other activity in the past five (5) years would and could affect the fitness of the applicant to be licensed to conduct a Motor Vehicle Body Repair Business.~~

~~2. — Each license shall be issued to the applicant only and shall not be transferable.~~

~~3. — Each license shall be issued only for the premises described in the application or mobile business described, and shall not be transferable except with the consent of the City Council.~~

~~4. — No change in the controlling ownership or location of a license shall be permitted except by amendment to the license approved by the City Council.~~

~~18.09. License fees established~~

~~1. — Annual Fees, Renewal Fees, and Amendment Fees. The annual license fee, the renewal fee, and all amendment fees for licenses required by this article shall be in the amounts as specified in Chapter 11, General Provisions and Fees, of the Fridley City Code.~~

~~2. — Investigation Fees.~~

~~At the time of each original application for a license, or upon an application for a transfer, renewal, or amendment to a license, if the application reveals a prior business license denied or revocation, or a criminal conviction for which disclosure is required, the applicant shall pay, in full, an investigation fee, whether or not a license is granted. The investigation fee shall be as specified in Chapter 11, Provisions and Fees, of the Fridley City Code. In addition, if the City of Fridley conducts an investigation which reveals a false statement or non-disclosure in the application, the applicant~~

~~shall pay to the City of Fridley the investigation fee whether or not a license is granted; provided, however, that if the investigation reveals an intentional false statement or deliberate non-disclosure in an application, the applicant shall pay an amount equal to twice the investigation fee to the City.~~

~~18.10. Payment of fees~~

~~1. Initial Fees.~~

~~The annual license and investigation fees, where applicable, for a new license shall be paid in full before the application for the license is accepted. Upon rejection of any application for a license or upon withdrawal of an application before approval of the issuance by the Council, no refund shall occur. If any investigation outside the State of Minnesota is required, if the applicant is required to pay an investigation fee, the applicant shall be charged the cost in excess of the initial investigation fee for such out of State investigation, prior to the issuance of a license, whether or not the license is granted.~~

~~2. Renewal Fees.~~

~~The annual license fee for renewal, the transfer fee, and the amendment fee for a license shall be paid in full at the time the renewal, transfer, or amendment application is filed with the City.~~

~~18.11. Investigation and recommendations of Public Safety Director~~

~~1. The Public Safety Director shall recommend approval of the issuance of a license by the City to an applicant within twenty one (21) days after receipt of an application by the City, unless the Director finds one or more of the following to be true:~~

~~A. An applicant is under 18 years of age.~~

~~B. An applicant, or any person providing information as if an individual applicant, has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.~~

~~C. An applicant, or a person providing information as if an individual applicant, has been convicted of any crime related to the occupation to be licensed, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a Motor Vehicle Body Repair Business.~~

~~D. An applicant, or a person providing information as if an individual applicant, has been denied a license to operate a Motor Vehicle Body Repair Business within the preceding twenty-four (24) months by the City or any other governmental entity, or whose license to operate a Motor Vehicle Body Repair Business has been revoked within the preceding twenty-four (24) months by the City or other governmental agency, and in the case of either a denial or revocation, has not shown competent evidence of sufficient rehabilitation and present fitness to perform duties of a Motor Vehicle Body Repair Business.~~

~~E. — The location to be used for the Motor Vehicle Body Repair Business is not properly zoned, does not meet all Fire Code laws and regulations, or otherwise is not a proper location for the operation of a Motor Vehicle Body Repair business. If a mobile license is sought, the applicant has not met the requirements of this ordinance or has not demonstrated the ability to comply with all laws and regulations including environmental laws in connection with the operation of the business. Upon the correction of said deficiencies in the location, an application otherwise in accordance with this Chapter shall be processed.~~

~~F. — The fees required by this chapter have not been paid.~~

~~G. — The applicant is not the real party in interest or beneficial owner of the business operated, or to be operated, under the license, or the interests of all persons whose disclosure is required have not been revealed.~~

~~H. — Other grounds exist on which license should be denied.~~

~~18.12. Issuance of license conditions~~

~~1. — The city clerk shall act to issue the license after the recommendations by the public safety director, fire marshal and community development director, or their subordinates, provided that the application contains all of the information required by this Chapter and any stipulations made through the zoning process are met. In the event of the sale of the business or the licensee's death, the business shall be allowed to continue to operate until the city clerk acts on a new license application from the successor. The successor's application shall be submitted within thirty (30) days from the date of the sale of the business or the licensee's death. In the event an application is not received within thirty (30) days, the business license shall expire. (Ref 1324)~~

~~2. — The license if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the Motor Vehicle Body Repair Business or its designation as a Mobile Motor Vehicle Body Repair Business. The license shall be posted in a conspicuous place at or near the entrance to the Motor Vehicle Body Repair Business so that it may be easily read at any time or copies shall be available for inspection on each vehicle used in connection with a Mobile Motor Vehicle Body Repair Business,~~

~~3. — Licenses issued to an applicant shall be valid as long as there is no change in the operating officer or controlling ownership of the applicant, provided an application is made to the City for an amendment to the application within thirty (30) days after said change occurs, and said change is ultimately approved by the City Council. Failure to timely report any such change in the operating officers, or controlling ownership interest in the applicant shall be grounds for revocation of the license. The City Council shall review and approve said license amendment if the application with the proposed amendments meets the qualifications of an original license application.~~

~~18.13. Inspection~~

~~1. An applicant or licensee shall permit representatives of the City to inspect the premises of a Motor Vehicle Body Repair Business, including all vehicles used in said business, for the purpose of insuring compliance with the law at any time vehicle repair is occurring or open for business. If admission is refused, or if an inspection is requested and denied at a time when the licensee is not open for business, the City and its Departments may apply to the Court for a warrant to gain admission.~~

~~18.14. Refusal, suspension or revocation~~

~~1. It is unlawful for any applicant or licensee to intentionally make a false statement or omission upon any application form. Any intentional false statement in such application or any intentional omission to state any information called for on such application form, shall upon discovery of such falsehood, be grounds for denial of a license, or if such license is already issued, shall be grounds for revocation. Issuance of a license shall not protect the applicant from prosecution of violation for this section. Any applicant who gives or furnishes an intentional false statement or intentional omission is also subject to the penalties provision of this chapter.~~

~~2. The City Council may suspend or revoke a license issued under this Chapter if the licensee fails to comply with all laws and regulations applicable to the operation of business including all zoning laws and environmental laws and regulations, or in the event of a criminal conviction involving the Motor Vehicle Body Repair Business, by the licensee, the operating officer of the licensee, or any owner of the licensee.~~

~~3. The City Council may suspend or revoke a license issued under this Chapter upon a finding of a violation of any of the provisions of this Chapter or any State Statute regulating Motor Vehicle Body Repair Businesses. Any criminal conviction by a court of law involving the licensed businesses 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.~~

~~4. The City Council may revoke a license if the Special Use Permit has been revoked.~~

~~5. The City Council may revoke or suspend the license if the licensee, any operating officer of the licensee, or any person required to submit information as if an individual applicant, is convicted of knowingly possessing or using stolen motor vehicles or motor vehicle parts.~~

~~6. The City Council may revoke or suspend the license of a licensee who has not complied with the requirements of this chapter.~~

~~7. Except in the case of a suspension following a criminal conviction pending a hearing on revocation, a revocation or suspension of a license by the City Council shall be preceded by a public hearing. The hearing notice shall be given at least ten (10) days prior to the hearing, including notice of the time and place of the hearing, shall state the nature of the charges against the licensee, and shall be mailed to the licensee by certified mail at the business address stated in the license.~~

~~18.15. Insurance required~~

~~Every license applicant shall provide and maintain in full force and effect public liability insurance to indemnify any person against loss or injury in the sum of one hundred thousand dollars (\$100,000.00) for injury or death to one person and three hundred thousand dollars (\$300,000.00) for each accident or occurrence, and ten thousand dollars (\$10,000.00) property damage, for injuries occurring at the location to be licensed or in connection with the operation of the business to be licensed. A copy of the, certificate of insurance or binder showing such coverage shall be attached to the initial renewal, or amended application license.~~

~~18.16.—Maintenance of records required~~

~~Every Motor Vehicle Body Repair Business shall maintain, on the premises, original records which shall include all work orders and invoices for all customers for whom motor vehicle body repairs have been performed. In addition, every Motor Vehicle Body Repair Business shall maintain a record of all parts that are purchased including the source, price, and method of payment, which shall include all cancelled checks issued in payment for parts. Purchase invoices shall be maintained for all parts purchased by the licensee. These records shall be immediately available for inspection and copying by enforcement officials and shall be retained on premise for at least two (2) years. As used in this section, the term "invoice" shall contain that information required in Minnesota Statutes Chapter 325F.56 to 325F.65.~~

~~18.17—Severely damaged vehicles~~

~~Immediately upon arrival at the motor vehicle repair business, the damaged vehicle shall be inspected to insure that there are no fluids leaking from the vehicle.~~

~~18.18. SEVERABILITY. ———~~

~~Every section, provision, or part of this Chapter is declared separable from every other section, provision, or part to the extent that if any section, provision, or part of this Chapter shall be held invalid, such holding shall, not invalidate any other section, provision, or part thereof.~~

~~18.19. Motor vehicle indemnification numbers~~

~~The applicant shall not allow any motor vehicle parts to be on the in which manufacturers identification numbers have been removed or altered. Manufacturers identification include vehicle identification number (VIN); federal motor vehicle safety certification label; and component labels. Manufacturers identification numbers also include all references in the federal motor vehicle theft law enforcement act of 1984 and the federal motor vehicle theft prevention standard codified as part of. the code of federal regulations.~~

~~18.20—PENALTIES. ———~~

~~Whoever does any act forbidden by this Chapter or omits or fails to do any act required by this Chapter shall be guilty of a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of the Fridley City Code.~~

~~18.21. Joint applications as used motor vehicle dealers, junkyards, or both~~

~~Applicants who engage in the business of used motor vehicle sales, as defined in Chapter 19, or who are also considered junkyards, as defined in Chapter 24, may file a joint application where the requirements of Chapter 18 and the other respective chapters are submitted and reviewed together. In some instances, all three chapter requirements may apply to a license. The appropriate forms may be obtained from the City Clerk.~~

Section 14

Amending Fridley City Code Chapter 19 (Used Motor Vehicles).

Fridley City Code

Chapter ~~19. 712~~ Used Motor Vehicles-Used Vehicle Sales Lots

712.01 Purpose

The purpose of this Chapter is to establish specific operational standards for used motor vehicles sales in the City of Fridley (City).

~~19.01~~712.02 Definitions

~~The following definitions shall apply in the interpretation and application of this Chapter and the following words and terms wherever they occur in this Chapter are defined as follows:~~

~~1. Dealer in Used~~ **Motor** ~~Vehicles: Any person engaged in the business of selling, exchanging or otherwise disposing of, displaying, advertising or offering for sale, used or secondhand motor vehicles as a principal business or occupation, or as an adjunct or incident to any other business or profession.~~

~~2. Motor Vehicle: Any new or used automobile, truck, motorcycle or other similar vehicle propelled by a motor.~~

Vehicle: every device in, upon, or by which any person or property is or may be transported or drawn upon a public roadway and which device is self-propelled. Vehicle does not include a vehicle moved solely by human power or a vehicle used primarily in connection with the care or cultivation of lawn and gardens, or which is used primarily for recreational purposes off of public roadways; by way of example, this exclusion includes lawn and garden tractors, riding lawn mowers, snowmobiles, and all-terrain vehicles. Vehicle does include, by way of example and not limitation, new or used automobiles, trucks, motorcycles, motor scooters, and motorized bicycles.

~~19.02~~712.03 License Required

~~1. No person~~ shall ~~may~~ engage in business as a dealer in used ~~motor~~ vehicles in the City without first obtaining a license as provided ~~herein~~in this Chapter.

~~19.03. Application~~

2. Applications must be made with the City Clerk in the format prescribed by the City.

~~The application for a license shall be made in writing, signed and verified by the applicant on forms provided by the City.~~

3. The application ~~shall~~ must state ~~include~~ the name, age and residence of the applicant; if a partnership, the names of all partners, and shall be verified by one of them; and if a corporation

or company, the names of all the officers thereof and certified by an authorized officer; and if additional licenses are applied for, for more than one place of business, the addresses of such additional places of business shall also be stated. The application ~~shall~~must state the business and residence addresses of the applicant for a period of five ~~(5)~~ years prior to the date thereof, whether the applicant is the sole owner of the business to be conducted, and ~~shall~~must state that no other persons than those named in the application have any interest in the management and control of such business.

4. Separate Licenses. Each licensee must have an established place of business and each license shall authorize business at only the designated premises. If a licensee has more than one place of business, a separate license is required for each location.

5. Licenses are not transferable.

~~19.04. Fee~~

~~The annual license fee and expiration date shall be as provided in Chapter 11 of this Code. The fee schedule for licensees who file a joint application as a Motor Vehicle Body Repair Business are listed as "Joint Applications" under Chapter 18. (Ref. 999)~~

712.04 Fees

The fees for this Chapter are set in the Fees Chapter of the Code.

~~19.05. Separate Licenses~~

~~Each licensee shall have an established place of business and each license shall authorize business at only the designated premises. If a licensee has more than one place of business, a separate license is required for each location.~~

~~7~~

~~19.06. Transfer~~

~~Licenses issued under this Chapter may not be transferred from person to person, but may be transferred from place to place with the consent of the City Council.~~

~~19.07. Joint License Application as a Motor Vehicle Body Repair Business~~

~~Applicants who also engage in the business of motor vehicle body repair, as is defined in Chapter 18, Section 18.02.02, may file a joint application where the requirements of Chapter 18 and Chapter 19 are submitted and reviewed together shall be made with the City Clerk on forms furnished by the City. (Ref. 999)~~

~~19.08.~~712.05 Sales Slip

Each licensee ~~shall~~must at the time of any sale give to the purchaser of a motor vehicle a plainly written statement signed by the licensee, their salesperson or agent, showing the licensee's name

and address; the name of the person making the sale; the date of the sale; the license number, if available; the serial number of such motor vehicle; the purchase price, whether in cash or on terms; and if on terms, the total time price, including insurance, if any; and if such price includes the cost of insurance, the type and coverage afforded by such insurance, together with the cost of each item of insurance. No sale ~~shall will~~ be deemed to have been completed until the foregoing statement in writing ~~shall has have~~ been delivered to the purchaser.

~~19.09.~~712.06 Registration

The registration or title card or bill of sale for any motor vehicle sold ~~shall must~~ be forwarded by the dealer to the Secretary of the State of Minnesota ~~not no~~ later than five ~~(5)~~ days after the date of the sale. No dealer ~~shall may~~ receive and refuse to return to the owner any registration or title card for the purpose of compelling the owner of such card to purchase a motor vehicle from the dealer unless such dealer is ready, willing and able to comply with the terms of the contract or agreement for sale of the motor vehicle.

~~19.10.~~712.07 Advertising

No dealer, or salesperson or employee of such dealer, ~~shall may~~ advertise any motor vehicle as being sold by the owner thereof at the owner's home or residence, if such motor vehicle is actually owned or consigned to by the licensee and sold as part of his or her business. No licensee ~~shall may~~ use any advertising which is not accurate in all its material particulars, or which misrepresents merchandise, including its use, grade, quality, origin, preparation, credit terms, values, policies, or services; and no licensees ~~shall may~~ use advertising or selling methods which tend to or actually deceive or mislead the public.

~~19.11.~~712.08 Mortgages or Liens

If any licensee ~~shall~~ knowingly ~~sell sells~~ a motor vehicle which is subject to a mortgage, lien or payment, the licensee ~~shall must~~ furnish in writing to the purchaser ~~definitively definitely~~ stating the amount of such mortgage, lien or payments, and the name and address of the holder or owner of such a mortgage, lien or other indebtedness.

~~19.12.~~712.09 Sales on Credit

Each licensee who sells a used motor vehicle directly or indirectly on credit ~~shall must~~ disclose to the person purchasing such motor vehicle all charges payable directly or indirectly by the person to whom the credit is extended including:

1. Interest, time price differential, and any amount payable under a system of additional charges.
2. Service charges.
3. Loan fee, finder's fee, commission, rebate or similar charges.
4. Identification or credit report fees.

5. Premiums or other charges for life, accident, health or other insurance, including commissions or rebates.

~~19.13-712.10~~ Storage

No licensee ~~shall~~may use any public street in the City for storage of motor vehicles.

~~19.14-712.11~~ Blank Contracts

No licensee ~~shall~~may obtain the signature of a purchaser to any blank contract, bill of sale, or other writing or memorandum relating to the sale of motor vehicles.

~~19.15-712.12~~ Certification

1. No licensee or agent of such licensee ~~shall~~may sell a used motor vehicle intended for use upon the public highways without first certifying in writing that said used motor vehicle complies with the requirements of Minnesota Statutes, ~~Chapter~~Section 169, and that it is in condition and repair to render, under normal use, satisfactory and adequate service upon the highway at the time of delivery.

2. The failure of the licensee or the licensee's agent to deliver to the purchaser the certification required by this Chapter and the delivery of such certification knowing the same to be false or misleading ~~shall and constitute~~constitutes a violation of this ~~Section~~Chapter.

~~19.16-712.13~~ ~~Speedometer~~Odometer Tampering

No licensee or agent of such licensee ~~shall~~may fraudulently change, set back, or disconnect, or fail to connect or cause the failure to connect any ~~odometerspeedometer~~ of any used ~~motor~~ vehicle for the purpose of effecting the sale of such used ~~motor~~ vehicle. Provided, however, it ~~shall~~is not ~~be~~ unlawful for a licensee or a licensee's agent to offer a used ~~motor~~ vehicle for sale with the ~~odometerspeedometer~~ regarding thereon turned back to zero.

~~19.17-712.14~~ Previous Owner

It shall be unlawful for any licensee or agent of such licensee to refuse to furnish, upon request of a prospective purchaser, the name of the previous owner of any used motor vehicle offered for sale.

~~19.18-712.15~~ Applicability

The provisions of this Chapter ~~shall~~ apply to all sales whether or not the motor vehicle sold or advertised for sale is owned by the licensee, or whether such licensee is acting as an agent or consignee for the owner.

~~19.19-712.16~~ Title

The licensee or an agent thereof, ~~shall~~may sell only used ~~motor~~ vehicles to which the licensee has registered title; and it ~~shall be~~is unlawful for any licensee, or agent, thereof, to jump or transfer title of any motor vehicle from any seller to licensee or agent thereof, directly to any purchaser of the licensee or agent thereof.

~~19.20.712.17~~ Revocation

~~In addition to revocation as provided by Chapter 11 of this Code, the~~The City Council may revoke any license issued under this Chapter, upon adequate notice and a hearing, ~~if the hearing is requested~~, before the Council on the following grounds:

1. Any violation of this Chapter.
2. Revocation of a used or ~~second hand~~secondhand ~~motor~~ vehicle dealer license by the State of Minnesota.
3. Failure of continued occupancy of an established place of business.
4. Material misstatement or misrepresentation in application for license or renewal thereof.

~~19.21. Penalties~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

Section 15

Amending Fridley City Code Chapter 17 (Auctions).

Fridley City Code Chapter ~~17.713~~ Auctions

713.01 Purpose

The purpose of this Chapter is to protect consumers and regulate auction sales within the City of Fridley (City) by establishing standards for auctioneers, requiring proper documentation of sales, preventing fraudulent practices, and ensuring adequate facilities for auction events.

~~17.01.713.02~~ Definitions

Auctioneer: a person who holds an auctioneering license issued by Anoka County, and who also holds a City auction license.

713.03 Scope

This Chapter applies to licensed auctioneers who sell goods, wares or merchandise of any kind at public auction for anyone or for themselves; and any person who sells their own goods or property at public auction or private auction is an auctioneer within the meaning of this Chapter.

~~For the purpose of this Chapter, auctioneers are persons who sell goods, wares or merchandise of any kind at public auction for anyone or for themselves; and any person who sells their own goods or property at public auction or private auction is an auctioneer within the meaning of this Chapter.~~

The provisions of this Chapter ~~shall-do~~ not apply to judicial or sheriff's sales, sales made by executors or administrators, or to mortgage or lien foreclosure sales.

~~17.02.713.04~~ Written Invoice

Every person whose property is being sold at auction ~~shall-must~~ give to each and every purchaser of any article or articles of property sold at auction a written invoice or statement containing a full description of the article or articles so sold at auction, ~~and~~ the selling price ~~thereof~~, and each and every warranty under which the article or articles are sold. This section is not applicable ~~to~~ on items valued under \$100.~~00~~.

~~17.03.713.05~~ False Statements

No auctioneer ~~shall-may~~ make or cause to be made any false or fraudulent representations or statements in respect to the character, kind, quality, condition, ownership, situation or value of any property exposed, put up or offered for sale at public auction, and no auctioneer ~~shall-may~~ put up or offer for sale at public auction any article or property in respect to which any false or fraudulent statement or representation ~~shall-may~~ have been made with the knowledge of said auctioneer as to the character, kind, quality, condition, ownership, situation or value of any such property.

~~17.04.~~ 713.06 Booster

At any auction sale no person ~~shall~~ may act or employ another to act as a buy-bidder, or what is commonly known as a capper or booster, or make or accept any false or misleading bid or falsely pretend to buy or sell any article sold or offered for sale at any such auction.

~~17.05. Remedy for Fraud~~

~~Any person who shall purchase any property at public auction in respect to which any false or fraudulent representation or statement as to the character, kind, quality, condition, ownership, situation or value of such property has been made by or to the knowledge of the auctioneer, may sue and recover from the auctioneer conducting such sale, or in whose name it shall have been conducted, such penalties and damages as are provided by law.~~

~~17.06.~~ 713.07 Automobiles

No person ~~shall~~ may sell or cause to be sold any motor vehicles in excess of two ~~(2)~~ vehicles at any auction unless the sale and auction bidding is conducted within a building. The building must have available to it sufficient off-street parking to accommodate the vehicles of the patrons, customers and other persons invited to said premises.

~~17.07.~~ 713.08 Notification Required

No property or premises in ~~Fridley the City~~ shall may be used for the purpose of a public auction without having provided proof of state or county licensure and bond to the ~~city clerk~~ City Clerk at least ~~fourteen~~ (14) days in advance of an auction. The notification to the City Clerk shall must be made in writing indicating the following information: ~~(Ref 1324)~~

1. Address of property where sales are to be conducted; ~~;~~
2. Nature of articles to be sold; ~~;~~
3. Owners of property where sale is to be conducted; ~~;~~ —
4. Owners of articles to be sold; ~~;~~
5. Hours of sale; ~~;~~
6. Proposed dates of sale; ~~;~~
7. Names, addresses and license numbers of auctioneers; ~~;~~
8. If motor vehicle sales, the size and floor area of proposed sale building; and ~~;~~
9. Plan for off-street parking.

~~17.08. PENALTIES~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

Section 16

Repealing Fridley City Code Chapter 27 (Billiards), Chapter 15 (Bowling Alleys), Chapter 28 (Carnivals), Chapter 702 (Drive-In Theaters), Chapter 32 (Food Establishments), Chapter 25 (Golf Courses and Driving Ranges), Chapter 22 (Music Festivals), Chapter 23 (Public Dances) and Chapter 20 (Water Softeners).

~~FRIDLEY CITY CODE CHAPTER 27. BILLIARDS~~

~~27.01. LICENSE REQUIRED~~

~~No person shall own or maintain any billiard table in the City of Fridley without obtaining a license therefor pursuant to the provisions of this Code.~~

~~27.02. APPLICATION~~

~~Application shall be made with the City Clerk on forms furnished by the City. The applicant shall provide such information as the City Council shall require.~~

~~27.03. FEES~~

~~The annual license fee and expiration date shall be as provided in Chapter 11 of this Code.~~

~~27.04. EXEMPTIONS~~

~~Any person owning or maintaining a billiard table in a private home or apartment building shall be exempt from the requirements of this Chapter.~~

~~27.05. PENALTIES~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provision of Chapter 901 of this Code.~~

~~FRIDLEY CITY CODE CHAPTER 15. BOWLING ALLEYS~~

~~15.01. LICENSE REQUIRED~~

~~No person shall own, operate, or maintain any bowling alley in the City of Fridley without obtaining a license therefore pursuant to the provisions of this Code.~~

~~15.02. APPLICATION~~

~~Application shall be made with the City Clerk on forms furnished by the City. The applicant shall provide such information as the City Council shall require.~~

~~15.03. FEES~~

~~The annual license fee and expiration date shall be as provided in Chapter 11 of this Code.~~

~~15.04. PENALTIES~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violation under the provisions of Chapter 901 of this Code.~~

~~FRIDLEY CITY CODE CHAPTER 28. CARNIVALS~~

~~28.01. DEFINITIONS~~

~~1. —Carnival. A carnival is an outdoor event consisting of circuses, mechanical amusement rides and other mechanical attractions or devices which attract attendance of the public for their entertainment and pleasure.~~

~~28.02. LICENSE REQUIRED~~

~~No person shall give or maintain any circus or carnival to which an admission is charged or for which admission fees are charged for any individual activities located on the property without securing a license therefor.~~

~~28.03. APPLICATION~~

~~Application for such license shall be made to the City Clerk at least thirty (30) days in advance of the scheduled date for such circus or carnival. The application shall provide:~~

- ~~• The full name and address of the applicant;~~
- ~~• The date, time, and location of the event;~~
- ~~• The sponsors of the event;~~
- ~~• The owner of the property, if different than the applicant;~~
- ~~• A written acknowledgement consenting to the use of the property from the property owner, if different than the applicant;~~
- ~~• An executed indemnification agreement; or~~
- ~~• Any other information required by the City.~~

~~28.04. FEES~~

~~The license fee and expiration date shall be as provided in Chapter 11 of this Code.~~

~~28.05. OPERATION~~

~~Any operator or owner of a carnival shall maintain the property and the carnival and conduct said carnival operations in a lawful manner. Said operator shall comply with all regulations and statutes~~

~~of the State of Minnesota, shall not maintain any nuisance or noise on said premises, and shall not permit any intoxicating liquors or any immoral conduct or practices to exist on said premises.~~

~~The City may impose any carnival license conditions or restrictions it deems necessary or advisable in the public interest, including but limited to conditions relating to the hours of operation, the exterior or outside lighting of the carnival property and associated parking. The City Council may also reserve the right to impose any conditions or restrictions at any time after the issuance of a license hereunder should it become necessary.~~

~~28.06. PROPERTY CONTROL~~

- ~~1. Any operator or owner of a carnival shall control and direct the traffic and motor vehicles entering and leaving its premises so that it does not interfere and block the orderly flow of traffic on the public highways adjacent to said entering and leaving carnival property and parking areas.~~
- ~~2. No trash, paper cups, papers or wrappers shall be allowed to be scattered on said premises.~~
- ~~3. No bottles, bottle caps or metallic articles shall be deposited or allowed to lay on the driveways and parking areas.~~
- ~~4. No motor vehicles shall stop or park on the shoulders of the public highway in the immediate vicinity of the said premises during the hours the carnival is in operation.~~

~~28.07. INSURANCE AND BOND~~

- ~~1. Liability Insurance Requirements. The licensee shall obtain and keep in full force and effect occurrence form comprehensive general liability coverage. Such coverage shall include but not be limited to, bodily injury, property damage — broad form, and personal injury, for the hazards of Premises/Operation, broad form contractual independent contractors, and products/completed operations to protect the City and the licensee against liability for injuries or damage sustained by any persons as a result of the operation of the carnival, including but not limited to operation of amusement rides. The licensee shall maintain the insurance coverage with liability limits not less than \$1,000,000 each occurrence and a \$2,000,000 general aggregate or the equivalent.~~
- ~~2. Workers' Compensation. The licensee shall obtain and maintain workers compensation insurance in compliance with all applicable statutes.~~
- ~~3. Certificates of Insurance. Said licensee shall submit to the City Clerk satisfactory certifications of insurance for the coverage required above. The City shall be named as an additional insured on said certificates of insurance.~~
- ~~4. A cash deposit or bond of three thousand dollars (\$3,000) will be required to insure applicant has completed the proper clean-up of the premises following the removal of the carnival operations. The City Council may waive the deposit or bond requirement for City carnivals associated with commemorating the City's history.~~

~~28.08. INDEMNIFICATION~~

~~As a condition of and prior to the City's issuance of the license, the licensee shall execute an indemnification agreement with the City. The licensee shall defend, indemnify, and hold harmless the City and its elected officials, officers, employees, agents, and representatives, from and against any and all claims, including reasonable attorneys' fees and other costs and expenses of litigation, which may be asserted against or incurred by the City for claims arising out of the operation of the licensee's carnival, violation of a term of the licensee's license and City Code Chapter 28.~~

~~28.09. PENALTIES~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provision of Chapter 901 of this Code.~~

~~FRIDLEY CITY CODE CHAPTER 702. DRIVEIN THEATER~~

~~702.01. PUBLIC NUISANCE~~

~~The maintaining and operation of theatrical performances, stage shows, moving pictures and drive-in theaters are hereby declared to be a public nuisance and are prohibited from operation within the City of Fridley, except as hereinafter provided for.~~

~~702.02. DEFINITIONS~~

~~The following definitions shall apply in the interpretation and application of this Chapter and the following words and terms, wherever they occur in this Chapter, are defined as follows:~~

~~1. Drive-In Theater.~~

~~A place or location for the parking of motor vehicles in front of a screen projection of moving pictures.~~

~~2. Theatrical Performances; Stage Shows; and Moving Pictures.~~

~~Forms of entertainment to which two or more persons are invited to view an exhibition of acting or the screen projection of moving pictures with accompanying sound broadcasting for a profit or in the course of a business enterprise.~~

~~702.03. EXEMPTIONS~~

~~Nothing contained herein shall prevent theatrical presentations and motion pictures by a religious or educational non-profit association or corporation within the confines of a church or religious education edifice or within a public school building where the presentation is sponsored by the religious or educational group.~~

~~702.04. OPERATION~~

~~Any operator or owner of a drive-in theater shall conduct said premises and said operations in a lawful manner. Such person shall comply with all regulations and statutes of the State of Minnesota, shall not maintain any nuisance or noise on said premises and shall at all times equip and maintain said drive-in theater so that the sound is directed to the individual vehicles in such a manner that the sound does not carry beyond the premises of the property. Such person shall not permit any intoxicating liquors or any immoral conduct or practices to exist on said premises.~~

~~702.05. PROPERTY CONTROL~~

~~1. Any operator or owner of a drive-in theater shall control and direct the traffic of motor vehicles entering and leaving its premises so that it does not interfere with and block the orderly flow of traffic on the public highways adjacent to said drive-in theater premises. Traffic control devices shall be installed and maintained at the places of ingress and egress from said public highways to the drive-in theater premises during the hours the business is in operation, unless the Police Department of the City of Fridley has specifically waived such requirement.~~

~~2. No trash, paper cups, papers or wrappers shall be allowed to be scattered on drive-in theater premises.~~

~~3. No bottles, bottle caps or metallic articles shall be deposited or allowed to lay on the driveways and parking areas in a drive-in theater.~~

~~4. No motor vehicles shall stop or park on the shoulders of the public highway in the immediate vicinity of a drive-in theater during the hours the theater is in operation.~~

~~702.06. LICENSE REQUIRED~~

~~No drive-in theater shall be erected, maintained or operated within Fridley without a license therefor having been obtained from the Council by the owner or proprietor thereof.~~

~~702.07. APPLICATION~~

~~Applications for such licenses must be made in writing to the City Clerk and be accompanied by a license fee.~~

~~702.08. FEE~~

~~The annual license fee and expiration date shall be as provided in Chapter 11 of this Code.~~

~~702.09. PENALTIES~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

~~32.01. DEFINITIONS.~~

~~The following definitions shall apply in the interpretation and enforcement of this Chapter and the following words and terms wherever they occur in this Chapter are defined as follows:~~

~~1. Person.~~

~~Any person, firm, corporation or association and with respect to acts prohibited or required herein, shall include employees and licensees.~~

~~2. Food.~~

~~Any raw, cooked or processed substance, beverage or ingredient used or intended for use in whole or in part for human consumption. The word "food" also includes ice and water.~~

~~3. Food Establishment.~~

~~Any building, room, stand, enclosure, vehicle, space, area, or other place wherein food is stored, prepared, manufactured, processed, wrapped, canned, packed, bottled, transported, distributed, or served in any place covered by the terms of this Chapter, whether or not the food is consumed on the premises.~~

~~32.02. LICENSE REQUIRED.~~

~~1. No person shall operate a food establishment to sell food at wholesale or retail within the corporate limits of the City, without having first obtained a license as provided in this code. Unless prohibited by laws to the contrary, a City license is required in addition to any state or county licenses.~~

~~32.03. APPLICATION~~

~~The applicant shall provide all information requested on form(s) provided by the City.~~

~~32.04. EXEMPTIONS~~

~~Government subdivisions, charitable institutions, houses of worship, school lunch rooms and patient food services in health care facilities shall not be required to obtain a City license.~~

~~32.05. FEES~~

~~The annual license fee and expiration date shall be as provided in Chapter 11 of this code.~~

~~32.06. PENALTIES.~~

~~Any violation of this chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this code.~~

~~FRIDLEY CITY CODE CHAPTER 25. GOLF COURSES AND DRIVING RANGES~~

~~25.01. LICENSE REQUIRED—~~

~~No person shall own, operate, or maintain any golf course or driving range in the City of Fridley without obtaining a license therefor pursuant to the provisions of this Code.~~

~~25.02. APPLICATION—~~

~~Application shall be made with the City Clerk on forms furnished by the City. The applicant shall provide such information as the City Council shall require.~~

~~25.03. FEES—~~

~~The annual license fee and expiration date shall be as provided in Chapter 11 of this Code.~~

~~25.04. PENALTIES—~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provision of Chapter 901 of this Code.~~

~~FRIDLEY CITY CODE CHAPTER 22. MUSIC FESTIVALS~~

~~22.01. DEFINITIONS~~

~~For the purpose of this Chapter, "music festival" shall mean and include any gathering of individuals for the purpose of participating in or attending a musical carnival "rock" festival or like musical activity at which vocal or instrumental music is provided by professional or amateur performers, or by pre-recorded means, and to which gathering members of the public are invited or admitted with or without the payment of admission charges in any form.~~

~~22.02. LICENSE REQUIRED—~~

~~It shall be unlawful for any person, group of persons or entity to operate conduct, maintain, advertise, sell or furnish tickets or other types of written authority for admission to a music festival~~

in the City of Fridley unless a license to operate or conduct such festival shall have been issued in the manner hereinafter described in this Chapter.

~~22.03. FEES—~~

The permit fee shall be as provided in Chapter 11 of this Code.

~~22.04. APPLICATION—~~

Application for a license to conduct a music festival shall be made in writing to the City Clerk at least sixty (60) days prior to the time indicated for the commencement of the music festival. The application shall be accompanied by a nonrefundable application fee in the amount of Fifty Dollars (\$50.00), which filing fee shall be paid to the City of Fridley. Such application shall contain the following information:

1.—— The name (including alias if applicable), age, residence, mailing address, and telephone numbers of each person making the application. If the application is filed by a partnership, the name (including alias), age, residence, mailing address and telephone numbers of each partner shall be included. If the applicant is a corporation or a common law or Massachusetts Trust, the application shall be signed by the President and Secretary thereof, or in the case of a common law or Massachusetts Trust, then by the Trustees thereof and in each instance shall contain their residences, mailing addresses and telephone numbers, as well as telephone numbers, mailing addresses and street addresses of the principal place of business of the corporation or trust and in the case of a corporation shall also include a certified copy of articles of incorporation and the by-laws of the corporation, and in the case of a common law or Massachusetts Trust shall include a certified copy of the trust indenture.

2.—— The location and legal description of the premises where the music festival is proposed to be conducted, including all lands to be used for automobile parking and other incidental uses. The applicant shall submit proof of ownership of said premises and the written consent of all owners thereof for the purposed use.

3.—— The date or dates and the hours during which the festival is to be conducted.

4.—— An estimate of the numbers of persons, participants and spectators expected to attend the proposed music festival on each day it is conducted, together with detailed information supporting such estimate.

5.—— A detailed statement of the applicant's program and plans to provide emergency communications, security protection, water supply, food supply, sanitary facilities, medical facilities and services, vehicle parking space, vehicle uses and on-site traffic control, sound and lighting equipment, fire protection, garbage, trash and litter cleanup service, and if it is proposed or expected that spectators or participants will remain at night or overnight, the arrangements for

~~illuminating the premises and for camping and similar facilities. There shall be included a map showing the location of all such facilities and equipment on the premises including the location of all loud speakers and the location of all toilets, medical facilities and solid waste receptacles.~~

~~6. A detailed explanation of the applicant's plan for policing the activity with particular emphasis on the control and prevention of alcohol and drug consumption.~~

~~22.05. AGREEMENT~~

~~The application shall include an agreement filed by the applicants and by the owners of the subject premises that they will reimburse all owners and occupants of property adjoining the subject premises for any and all loss, injury or damages to such owners or occupants or to their property caused by the applicants, by the owner of the subject premises, or by any person attending or participating in the music festival, which damage shall not have occurred had the music festival not been held. Accompanying and securing said agreement shall be a surety company bond in favor of the City of Fridley and all persons to whom the applicant and/or owners of the subject premises may be liable because of the above required agreement. Said bond shall be prepared by a corporate bonding company authorized to do business within the State of Minnesota and shall be in the amount of not less than Fifty Thousand Dollars (\$50,000).~~

~~22.06. INDEMNIFICATION~~

~~The application shall include an agreement filed by the applicants to defend, indemnify, save and hold the City of Fridley harmless from and on account of any and all claims against the City of Fridley for injury or damage of any kind or nature to persons or property in, upon or about the subject premises or arising from or in connection with said music festival from any cause whatsoever. The applicants shall covenant and agree to keep and maintain in full force and effect for a period of one (1) year from and after the date upon which they shall have been issued a license to conduct a music festival, a policy of public liability and property damage insurance in standard form in insurance companies satisfactory to the City of Fridley and shall furnish the policy therefore to the City of Fridley. Such public liability insurance shall insure the City of Fridley with limits of not less than \$250,000 for injury to any one person, \$500,000 for injury to more than one person, and in the amount of \$50,000 for property damage. Said policy shall be delivered to the City of Fridley at least ten (10) days before the issuance of a license and such policy shall bear an endorsement of or shall be accompanied by evidence of receipt of payment of the premium thereon.~~

~~22.07. CLEAN-UP~~

~~The application shall include an agreement signed by the applicants providing that within seventy-two (72) hours after the conclusion of the music festival the applicants will clean up the premises, including contiguous public roads, ways and easements, and remove all debris, garbage, trash, litter and other waste matter from in and around said premises, together with all advertising matters to said festival.~~

~~22.08. FINGERPRINTS~~

~~An application shall not be considered completed until each applicant has been fingerprinted and photographed by the City of Fridley Police Department.~~

~~22.09. REFERRAL~~

~~Upon receipt of the fully completed application the city clerk shall forward the application to the city manager and public safety director, or his or her subordinate. The city manager and public safety director, or subordinate, shall determine whether, with regard to their specific areas of responsibility, the proposed music festival can be held without violation of any of the provisions of this Chapter. Within fifteen (15) days after the filing of a completed application, the city manager and the public safety director, or subordinate, shall complete their investigation and shall notify the city clerk of their approval or disapproval of the issuance of a license. If all such officers approve the issuance of a license, the city clerk shall, after collecting the license fee as provided in Chapter 11 of this Code, issue said license. If any of the said officers disapproves the issuance of a license, no license shall be issued, and the reasons for such disapproval shall be stated in writing with such notice of disapproval, a copy of which shall be delivered to the applicant. (Ref 1324)~~

~~22.10. REVOCATION~~

~~1. In addition to the provisions of Chapter 11 of this Code, the City Council shall have the right to revoke any license issued pursuant of this Chapter after a public hearing held after written notice is given to the licensee at least twenty-four (24) hours prior to such hearing, for any of the following causes:~~

- ~~A. The licensee fails, neglects or refuses to fulfill any of the conditions imposed upon the granting of a license.~~
- ~~B. The licensee fails, refuses or neglects to fulfill any of the provisions of the proposed program or plans.~~
- ~~C. The licensee permits the music festival to be conducted in a disorderly manner or allows any person to remain on the premises while under the influence of intoxicating liquor, any narcotics or other dangerous drugs.~~
- ~~D. The licensee violates, or attempts to violate, any law of the State and/or provisions of this Chapter or any other provisions of this Code.~~
- ~~E. The licensee has previously made a false, misleading or fraudulent statement of material fact in the application for a license or in any other document required pursuant to this Chapter.~~

~~2. Written notice of such revocation shall be forwarded by the City Clerk to the Assistant City Manager/Public Safety Director, the Finance Director and to the licensee at the address given in the application. Such revocation shall become effective immediately after ordered by the City Manager.~~

~~22.11. SUSPENSION~~

~~The Assistant City Manager/Public Safety Director may suspend operation and close any music festival prior to the expiration of the license granted under the provisions of this Chapter in the event of the occurrence of a riot, major disorder, or serious breach of the peace when, in that person's judgment, it becomes necessary to prevent injury to persons and/or damage to the property.~~

~~22.12. PARTICIPANTS~~

~~If the City Manager shall as a condition of issuance of the licenser impose a limit on the number of persons to be admitted to the music festival and/or requiring that only holders of tickets shall be admitted to the premises on which the festival is to be held, it shall be unlawful for the licensee, or any agent or employee of the licensee:~~

- ~~1. To allow, permit, or suffer the entrance to the premises in which the music festival is held, of any person who does not possess a ticket, except a peace officer or other public officer in the performance of official duties;~~
- ~~2. To sell, give or distribute a greater number of tickets than the number authorized by the City Manager; or,~~
- ~~3. To allow, permit or suffer the admission of any person to a music festival if such admission shall result in a greater number of persons present than authorized by the City Manager~~

~~22.13. EXEMPTION~~

~~Any person, group of persons, or entity seeking to hold, conduct or operate a music festival, as that term is defined in Section 22.01, on real property owned, leased, rented or possessed by any public entity, may be exempted from making application for a license, paying the application fee, providing the indemnity bond and the policy of public liability and property damage insurance required by Sections 22.02 – 22.06, provided each of the following conditions is satisfied:~~

- ~~1. The person, group of persons, or entity seeking to hold, conduct, or operate a music festival makes application in writing to the City of Fridley, for a permit, on a form to be provided by the City Manager, at least five (5) days prior to the time indicated for the commencement of the festival.~~

~~2. The applicant obtains and delivers to the City Manager, at the time of making the application, a written sponsorship or written permit for the festival signed by the public entity on whose real property the festival is proposed to be held, conducted, or operated.~~

~~3. The application shall set forth the day or days, the time which shall not exceed four (4) hours duration on any one day between the hours of 10:00 o'clock a.m. and 10:00 o'clock p.m., and the place of the proposed festival, and the name, residence address and telephone number of the applicant and each member of the performing musical group(s) including their leader(s).~~

~~4. The applicant confirms in the application, or in a separate writing attached thereto, that: (a) each of the musical group(s) including their leader(s), will receive no monetary compensation for performing in the festival and, (b) no charge whatsoever will be sought or collected for admission to or attendance at the proposed festival.~~

~~5. The applicant agrees in the application, or in a separate writing attached thereto, that he or she will assume full responsibility for restoring the immediate location of the festival, including the area occupied by the audience, to a clean and sanitary condition, and will remove and properly dispose of all debris, garbage, litter and other waste matter from, in and around said location, together with all advertising matter relating to the festival, within four (4) hours immediately following the conclusion of the festival.~~

~~22.14. ACTION BY MANAGER~~

~~The city manager shall examine the application and all supporting documents, including the written sponsorship or permit of the public entity, and if these are found to be in compliance with the required conditions set forth herein, shall direct the city clerk to issue a permit in writing to the applicant authorizing the music festival to be held, conducted, or operated on the date(s), and at the time(s) and place(s) indicated therein. The city clerk shall forthwith, transmit a copy of the permit to the affected public entity. The city manager shall have the final decision making authority in connection with the issuance or denial of permits hereunder. (Ref 1324)~~

~~22.15. PENALTIES~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

~~FRIDLEY CITY CODE CHAPTER 23. PUBLIC DANCES~~

~~23.01 MINNESOTA STATUTES BY REFERENCE~~

~~Minnesota Statutes Sections 624.42 to 624.54, inclusive, are hereby adopted by reference and shall be in full force and effect in the City of Fridley as if set out here in full. (Ref. 492.)~~

~~23.02. PERMIT REQUIRED~~

~~No person shall conduct a public dance without first obtaining a permit therefor from the City. Person shall mean any person or persons, firm or firms, corporation or corporations.~~

~~23.03. APPLICATION~~

~~The city clerk shall furnish forms for the application. Such verified application shall state the name and address of the applicant or organization, the location where the dance is to be held and the size of the dance area. An applicant shall be required to state if they have been convicted of a felony or gross misdemeanor within the past five (5) years. No permits shall be granted unless the public safety director, or his or her subordinate, is satisfied that the applicant is a person of good reputation, has not been convicted of a felony or gross misdemeanor for five (5) years prior to the date of application, that the location is proper and suitable, that sanitary facilities are proper, and that the applicant is capable of maintaining order. (Ref 1324)~~

~~23.04. FEE~~

~~The permit fee shall be as provided in Chapter 11 of this Code.~~

~~23.05. POST PERMIT~~

~~The permit shall be posted in a visible place at said dance.~~

~~23.06. CONDUCT~~

~~The persons to whom the permit is issued shall be held responsible for the manner of conducting said dance. A peace officer or officers must be present at all times while said public dance is being held.~~

~~23.07. PENALTIES~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provision of Chapter 901 of the Fridley City Code.~~

FRIDLEY CITY CODE
CHAPTER 20. WATER SOFTENERS

~~20.01. PERMIT REQUIRED~~

~~Any person who installs water softeners and filtering equipment must secure a permit for each installation from the Building Department of the City of Fridley. Such a permit shall be granted if openings have been left so that the water softening or water filtering equipment may be connected to the water distribution system through openings left for that purpose; or provided~~

~~such connection may be made by use of a cold water connection to a domestic water heater. A permit shall not be granted if it is necessary to make any extension or alteration of any pipe or fixture in the water system. (Ref. 342)~~

~~20.02. EXCHANGE UNITS~~

~~This Chapter shall not be construed to require a permit or inspection for service of the water softener commonly known as an "exchange unit" where such exchange is designed to be made at regular intervals but it does require that a permit be obtained for the initial installation of such exchange devices.~~

~~20.03. FEE —~~

~~The annual permit fee and expiration date shall be as provided in Chapter 11 of this Code.~~

~~20.04. PENALTIES —~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided to such violations under the provisions of Chapter 901 of this Code.~~

Section 17

Amending Fridley City Code Chapter 209 (Fees).

Fridley City Code Chapter 209 Fees

209.12 Fees

5. Licensing Fees

Code	Subject	Fee
308	Adult Entertainment Establishment	\$400
	– Investigation Fee	\$400
17713	Auction	
	– Weekly permit	\$30
	– Annual permit	\$150
709	Automotive Fuel Station	\$90
300	Beekeeping	
	– Initial fee	\$100
	– Annual renewal fee	\$25
27	Billiards	
	— First table	\$40
	– Each additional table	\$10
15	Bowling Alleys	
	— Annual license	\$40
	– Per lane	\$10
28	Carnivals	
	— Application fee	\$75
	— Each day	\$75
	– Required cash deposit or bond	\$3,000
21708	Christmas-Cut Tree Lots	
	– Annual license fee	\$200
	– Deposit Cleaning deposit	\$100
300	Dogs	
	– Lifetime license	\$25
	– Duplicate license	\$5
	– Impound fee	\$25
	– Annual Dangerous Dog license	\$500
	– Potentially Dangerous Dog license	\$500
702	Drive-in Theaters	\$400
607	Entertainment	\$85
32	Food Establishment—Business License	\$45

32	Food Temporary—Business License	\$30
25	Golf Course, Driving Range	\$30
319	Haulers Mixed Municipal Solid Waste License (Garbage Truck), Yard Waste License, Organics License, Recycling License	\$100 for first truck and \$40 each additional truck
310	Hemp THC Product – Annual License – Investigation Fee, Individual – Investigation Fee, Corporation/Partnership – Administrative Penalty for individuals, first violation – Administrative Penalty for individuals, second violation within 12 months – Administrative Penalty for individuals, third violation within 12 months – Administrative Penalty for licensee, first violation Administrative Penalty for licensee, second violation within 36 months	\$1,500 \$200 \$400 \$250 \$500 \$750 \$500 \$1,000
<u>704</u>	<u>Itinerant Merchants</u> – <u>Enterprise license</u> – <u>30-day permit</u> – <u>60-day permit</u> – <u>90-day permit</u>	<u>\$100</u> <u>\$100</u> <u>\$150</u> <u>\$200</u>
24	Junk Yards	\$350
<u>609700</u>	Liquor, Caterer – Annual Caterer Registration – Event Notification Permit (per event)	\$100 \$25
<u>604700</u>	Liquor, Consumption and Display – Annual State permit – One-day City permit	\$300 \$25
<u>603700</u>	Liquor, On-Sale Intoxicating Holiday Endorsement	\$100
<u>603700</u>	Liquor, Lawful Gambling Endorsement	\$300
<u>610700</u>	Liquor Manufacturers/Investigative Fee – Individual – Partnership/Corporation – Alteration of Business	\$200 \$400 \$100

	– Change of Officers – On-Sale Brewer/Distillery Taproom License – Off-Sale Brewer/Distillery Growler License	\$25 \$600 \$300
<u>603700</u>	Liquor, On-Sale Intoxicating – No entertainment (a) 0-3,000 square feet (b) 3,001-6,000 square feet (c) Over 6,000 square feet – With entertainment or dancing (a) 0-3,000 square feet (b) 3,001-6,000 square feet (c) Over 6,000 square feet	 \$6,000 \$7,000 \$8,000 \$7,000 \$8,000 \$9,000
<u>603700</u>	Liquor, On-Sale Intoxicating Initial Investigative Fee – Individual – Corporation or partnership	 \$200 \$400
<u>603700</u>	Liquor, On-Sale Sunday	\$200
<u>603700</u>	Liquor, On-Sale Intoxicating Temporary one day only	\$25
<u>602700</u>	Liquor, 3.2% Malt Liquor – Off-Sale – On-Sale – Holiday Endorsement	\$60 \$325 \$100
<u>602700</u>	Liquor, 3.2% Malt Liquor, Initial Investigative Fee – Individual – Corporation or partnership	\$90 \$180
<u>602700</u>	Liquor, 3.2% Malt Liquor Temporary	\$60
<u>603700</u>	Liquor, Wine	\$1,000
<u>603700</u>	Liquor, Wine Investigative Initial Fee – Individual – Corporation or partnership	\$200 \$400
<u>605700</u>	Liquor, Bottle Club – Annual permit – One day permit	\$300 \$25
<u>606700</u>	Liquor, On-Sale Intoxicating Club – Per club under 200 members – Per club of 201-500 members – Per club of 501-1,000 members – Per club of 1,001-2,000 members	\$300 \$500 \$650 \$800

	– Per club of 2,001-4,000 members – Per club of 4,001-6,000 members – Per club of over 6,000 members	\$1000 \$2,000 \$3,000
606 <u>700</u>	Liquor, On-Sale Club Holiday Endorsement	\$100
<u>700</u>	<u>Liquor, Managerial License (Liquor)</u>	<u>\$10</u>
300	Livestock – Initial fee – Annual review	\$100 \$25
<u>705</u>	<u>Lodging</u> – <u>First guestroom</u> – <u>Each additional guestroom</u> – <u>Investigation Fee</u>	<u>\$125</u> <u>\$5</u> <u>\$100</u>
603	Managerial License (Liquor)	\$10
125	Massage Therapy Business License — Annual license — Business investigation fee for corporations or partnerships – Business investigation fee for individual/sole proprietor	 \$400 \$400 (new) \$200 (renewal) \$200 (new) \$100 (renewal)
125	Massage Therapist — License fee – Therapist investigation fee	 \$50 \$25
22	Music Festivals — Per day – Filing fee	 \$700 \$100
35 <u>707</u>	Mobile Food Unit – Food Truck License – Food Truck Fire Safety Inspection – Ice Cream Truck License	\$50 \$100 <u>per truck/unit</u> \$75
18	Motor Vehicle Body Repair Business	\$150
509	Motorized Vehicles Rental	\$50 per vehicle
300	Multiple Pet Location – License Fee – Renewal Fee – Impound Fee	\$100 \$25 \$25
300	Poultry – Initial fee – Annual renewal fee – Impound fee	\$100 \$25 \$25
507	Rental Housing Annual License – Single rental unit – Two rental units	\$100 \$150

	– Three rental units – Four rental unit – Five or more units License renewal late fee if more than seven days late License fee to reinstate after revocation or suspension License transfer fee License non-compliance fee for properties that were posted for not complying with correction orders or license renewals – 1-30 days – 31+ days Renting prior to obtaining a license Reinspection fee after second inspection – Single, duplex, triplex – Four or more units	\$210 \$270 \$270 plus \$12 per unit over four units 150% of the annual license fee 150% of the annual license fee \$25 \$250 \$500 125% of the annual license \$100 \$300
31702	Pawn Shops – Annual license fee – Monthly transaction fee – Reporting failure penalty – <u>Investigation fee</u> – <u>Bond required</u>	\$3,000 \$3 per transaction \$4 per transaction \$400 <u>\$5,000</u>
14	Peddlers/Solicitor	\$60 per peddler
23	Public Dance	\$75
13	Retail Gasoline Sales Private Gasoline Pump	\$60 \$30 per location
602, 603, 606	Social Skill Game Tournament Service Provider	\$100 annually
16	Street Vending — Industrial/commercial — Residential – Both	\$50 \$70 \$100

<u>703</u>	<u>Therapeutic Massage</u> – <u>Therapeutic Massage Enterprise annual license</u> – <u>Business investigation fee for corporations or partnerships</u> – <u>Business investigation fee for individual/sole proprietor</u>	<u>\$400</u> <u>\$400 (new) \$200 (renewal)</u> <u>\$200 (new) \$100 (renewal)</u>
<u>703</u>	<u>Therapeutic Massage Therapist</u> – <u>License fee</u> – <u>Therapist investigation fee</u>	<u>\$50</u> <u>\$25</u>
<u>42701</u>	<u>Tobacco LicenseProducts</u>	<u>\$125</u>
<u>42701</u>	<u>Tobacco Product Shop</u> – <u>License fee</u> – <u>Investigation fee</u>	<u>\$400</u> <u>\$100</u>
503	Tree Management License	\$150
<u>19712</u>	Used Motor Vehicles License <u>Vehicle Sales Lot</u>	\$150 per year
<u>711</u>	<u>Vehicle Repair Businesses</u>	<u>\$150</u>
<u>710</u>	<u>Vehicle Salvage Facilities</u>	<u>\$350</u>

6. Parks and Recreation Services Fees

(a) Recreation Division

(1) Program fees are listed in the City's bi-monthly Parks and Recreation Brochure and on the City's website.

(2) Administrative Fees

Item	Category A (Fridley Youth Athletics)	Category B (Residents and community groups)	Category C (Non-residents)
Additional maintenance staff	City staff hourly rate	City staff hourly rate	City staff hourly rate
Concession area for Community Park (Included with weekend or daily tournament rental)	\$50 per day	\$50 per day	\$100 per day
Damage deposit for multiple day rentals	\$200	\$200	\$200

Locates for electrical or irrigation heads	Market rate	Market rate	Market rate
Portable restrooms	Market rate	Market rate	Market rate
Shelter rental for Commons Park and Flanery Park	\$80 per day	\$80 per day	\$120 per day

(3) Event Fees

Code	Subject	Fee
508	Parade	
	— Application	\$100
	— Daily	\$700
23	Public Dance	
	— Application	\$75

209.13 Penalties

Code	Subject	Penalty
203	Administrative Citation	
	— General	\$100 per violation
	— Fire Lane/Reserved Handicap Parking	\$125 per violation
	— Other Parking	\$35 per violation
203	Administrative Citation Late Fee	
	— General	\$25
	— Fire Lane/Reserved Handicap Parking	\$30
	— Other Parking	\$10
<u>700</u>	<u>Liquor-related Administrative Penalties</u>	
	<u>Individual</u>	
	— <u>First violation</u>	<u>\$250</u>
	— <u>Second violation within 12 months</u>	<u>\$500</u>
	— <u>Third violation within 12 months</u>	<u>\$750</u>
	<u>Businesses</u>	
	— <u>First violation</u>	<u>\$500</u>
	— <u>Second violation within 12 months</u>	<u>\$1,000</u>
504	Snow Removal Penalty	
	Violations of the provisions of this Section are be a misdemeanor, subject to penalties of a maximum of \$700 and 90 days in jail per occurrence. In the	

	alternative, the City may, in its discretion, impose a civil penalty as follows: – 2nd offense within 365 days – 3rd offense within six months of any prior offense – 4th offense or more within six months of prior offense(s) In addition, the City may charge to, and assess to the associated property, any damage to City property or injury to City employees attributable to violations of this section.	\$50 \$200 \$500
<u>701</u>	<u>Tobacco Products Compliance Failure</u> – <u>Individual</u> – <u>Licensee, 1st offense</u> – <u>Licensee, 2nd offense within 36 months</u> – <u>Licensee, 3rd offense within 36 months</u>	<u>\$50 per violation</u> <u>\$300</u> <u>\$600</u> <u>\$1,000</u>

Passed and adopted by the City Council of the City of Fridley on this 8th day of September, 2025.

Dave Ostwald - Mayor

Melissa Moore - City Clerk

First Reading: August 25, 2025
Second Reading: September 8, 2025
Publication: September 12, 2025
Effective Date: September 27, 2025

City of Fridley
Summary Ordinance No. 1433

Creating Title No. 7 (Licensing) of the Fridley City Code and Updating the Chapters Contained
Therein and Updating Chapter 209 (Fees)

The City of Fridley does ordain, after review, examination, and staff recommendation, that the Fridley City Code (Code) be amended by adopting Ordinance No. 1433. A summary of the amendments to the Code made by Ordinance No. 1433 are as follows:

The Ordinance repeals Chapter 601 (Municipal Operation of Liquor), Chapter 602 (3.2% Malt Liquor), Chapter 603 (Intoxicating Liquor), Chapter 604 (Consumption Display), Chapter 605 (Intoxicating Liquor Bottle Club Permit), Chapter 606 (Intoxicating Liquor On-Sale Club), Chapter 607 (Entertainment License), Chapter 609 (Liquor Caterers), Chapter 610 (Liquor Manufacturers), Chapter 27 (Billiards), Chapter 15 (Bowling Alleys), Chapter 28 (Carnivals), Chapter 702 (Drive In Theater), Chapter 32 (Food Establishments), Chapter 25 (Golf Courses and Driving Ranges), Chapter 22 (Music Festivals), Chapter 14 (Peddlers), Chapter 23 (Public Dances) and Chapter 20 (Water Softeners). The ordinance amends Chapter 608 (Lodging Tax), Chapter 17 (Actions), Chapter 21 (Christmas Trees), Chapter 13 (Gasoline Sales), Chapter 26 (Hotels and Motels), Chapter 24 (Junk Yards), Chapter 30 (Lawful Gambling), Chapter 125 (Massage Therapy Licensing), Chapter 18 (Motor Vehicle Body Repair Businesses), Chapter 31 (Pawn Shops), Chapter 12 (Tobacco Products), Chapter 19 (Used Motor Vehicles) and Chapter 34 (Mobile Food Units). The ordinance adds Chapter 700 (Liquor) and Chapter 704 (Itinerant Merchants).

Ordinance No.1433 was passed and adopted by the City Council of the City of Fridley on September 8, 2025. The full text of the Ordinance is available on the City website or for inspection by any person during regular office hours at the Office of the City Clerk.



AGENDA REPORT

Meeting Date: September 8, 2025

Meeting Type: City Council

Submitted By: Joe Starks, Finance Director

Title

Resolution No. 2025-105, Updating City Council Appointments and Designations

Background

The City of Fridley (City) annually (and at changes of employment of relevant personnel) adopts a resolution designating several items, including those authorized for signature authority to perform financial transactions. The City's new Assistant Finance Director, Shannon Veeraboina, has begun employment at the City and should be listed for signature authority. The attached resolution adds her as an authorized party.

Financial Impact

None.

Recommendation

Staff recommend the approval of Resolution No. 2025-105, Updating City Council Appointments and Designations.

Focus on Fridley Strategic Alignment

- | | |
|---|---|
| ☐ Vibrant Neighborhoods & Places | ☐ Community Identity & Relationship Building |
| ☒ Financial Stability & Commercial Prosperity | ☐ Public Safety & Environmental Stewardship |
| ☐ Organizational Excellence | |

Attachments and Other Resources

- Resolution No. 2025-105

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Resolution No. 2025 - 105

Updating City Council Appointments and Designations

Whereas, the Fridley City Council (Council) appoints local officials, commissions and committees to perform functions outlined and authorized by the Fridley City Charter (Charter), ordinance, resolution or agreement; and

Whereas, a review of vacancies and reappointments is conducted at the first Council meeting of each year, and is reviewed at changes of employment.

Now therefore, be it resolved, that the City Council of the City of Fridley hereby confirms, makes or extends the following appointments.

Official Depositories*

Institution	Authorization	Term Expires	Authority
UBS Financial Services, Inc.	Walter T. Wysopal, City Manager Joseph A. Starks, Finance Director Shannon Veeraboina, Assistant Finance Director	Indefinite Indefinite Indefinite	M.S. § 427.02; M.S. § 118A; Charter § 6.04; City Investment Policy
Wells Fargo Bank, N.A	Walter T. Wysopal, City Manager Joseph A. Starks, Finance Director Shannon Veeraboina, Assistant Finance Director	Indefinite Indefinite Indefinite	M.S. § 427.02; M.S. § 118A; Charter § 6.04

*The City Manager, Director of Finance/City Treasurer, or Assistant Finance Director will have the authority to transfer funds from one official depository to another for the purpose of investing and satisfying claims against City funds. The City delegates authority to make Electronic Funds Transfers to the Finance Director or their designee.

Financial Advisor

Institution	Authorization	Term Expires	Authority
Ehlers and Associates, Inc.	Walter T. Wysopal, City Manager Joseph A. Starks, Finance Director Shannon Veeraboina, Assistant Finance Director	Indefinite Indefinite Indefinite	M.S. § 427.02; M.S. § 118A; Charter § 6.04

Investment Advisors

Institution	Appointee	Term Expires	Authority
Moreton Markets Capital LLC, Investment Advisor	Walter T. Wysopal, City Manager Joseph A. Starks, Finance Director	Indefinite Indefinite Indefinite	M.S. § 427.02; M.S. § 118A; Charter § 6.04;

	Shannon Veeraboina, Assistant Finance Director		City Investment Policy
Wells Fargo Advisors	Walter T. Wysopal, City Manager Joseph A. Starks, Finance Director Shannon Veeraboina, Assistant Finance Director	Indefinite Indefinite Indefinite	M.S. § 427.02; M.S. § 118A; Charter § 6.04; City Investment Policy
UBS Financial Services, Inc.	Walter T. Wysopal, City Manager Joseph A. Starks, Finance Director Shannon Veeraboina, Assistant Finance Director	Indefinite Indefinite Indefinite	M.S. § 427.02; M.S. § 118A; Charter § 6.04; City Investment Policy

Passed and adopted by the City Council of the City of Fridley this 8th day of September, 2025.

Dave Ostwald – Mayor

Attest:

Melissa Moore – City Clerk



AGENDA REPORT

Meeting Date: September 8, 2025

Meeting Type: City Council

Submitted By: Joe Starks, Finance Director/City Treasurer

Title

Resolution No. 2025-107, Approving Claims for the Period Ending September 3, 2025

Background

Attached is Resolution No. 2025-107 and the claims report for the period ending September 3, 2025.

Financial Impact

Included in the budget.

Recommendation

Staff recommend the approval of Resolution No. 2025-107, Approving Claims for the Period Ending September 3, 2025.

Focus on Fridley Strategic Alignment

☐ Vibrant Neighborhoods & Places	☐ Community Identity & Relationship Building
☒ Financial Stability & Commercial Prosperity	☐ Public Safety & Environmental Stewardship
☐ Organizational Excellence	

Attachments and Other Resources

- Resolution No. 2025-107, Approving Claims for the Period Ending September 3, 2025
- City Council Claims Report

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Resolution No. 2025-107**Approving Claims for the Period Ending September 3, 2025**

Whereas, Minnesota Statute § 412.271 generally requires the City Council to review and approve claims for goods and services prior to the release of payment; and

Whereas, a list of such claims for the period ending September 3, 2025, was reviewed by the City Council.

Now, therefore be it resolved, that the City Council of the City of Fridley hereby approves the payment of the claims as presented.

Passed and adopted by the City Council of the City of Fridley this 8th day of September 2025.

David Ostwald - Mayor

Attest:

Melissa Moore – City Clerk

Bank Transaction Report

Transaction Detail

Issued Date Range: 08/21/2025 - 09/03/2025

Cleared Date Range: -



Issued

Date	Description	Module	Type	Amount
08/22/2025	CENTERPOINT ENERGY-MINNEGASCO	Accounts Payable	Check	-119.12
08/22/2025	GURSTEL LAW FIRM PC	Accounts Payable	Check	-1,169.54
08/22/2025	LONG RUN LEADERSHIP CONSULTING	Accounts Payable	Check	-1,050.00
08/22/2025	XCEL ENERGY	Accounts Payable	Check	-10,645.04
08/25/2025	PORTOLITE PITCHING MOUNDS LLC	Accounts Payable	Check	-8,263.10
08/27/2025	APPLE FORD WHITE BEAR LAKE	Accounts Payable	Check	-305.50
08/27/2025	ASPEN MILLS INC	Accounts Payable	Check	-59.40
08/27/2025	BLAINE BROTHERS	Accounts Payable	Check	-7,999.86
08/27/2025	BRAUN INTERTEC CORPORATION	Accounts Payable	Check	-1,085.50
08/27/2025	BUSCH SYSTEMS INTERNATIONAL INC	Accounts Payable	Check	-380.02
08/27/2025	CARR'S TREE SERVICE INC	Accounts Payable	Check	-10,676.20
08/27/2025	CERES ENVIRONMENTAL INC	Accounts Payable	Check	-410.00
08/27/2025	CMB JANITORIAL	Accounts Payable	Check	-450.00
08/27/2025	EFFECTIVE FITNESS COMBATIVES LLC	Accounts Payable	Check	-2,498.00
08/27/2025	EKBOM ENTERPRISES INC	Accounts Payable	Check	-65.00
08/27/2025	FLEET PRIDE TRUCK & TRAILER PARTS	Accounts Payable	Check	-159.24
08/27/2025	GENUINE PARTS CO/NAPA	Accounts Payable	Check	-330.80
08/27/2025	GRAFIK DISTINCTION INC	Accounts Payable	Check	-3,050.00
08/27/2025	HART'S AUTO SUPPLY	Accounts Payable	Check	-3,700.00
08/27/2025	HAWKINS INC	Accounts Payable	Check	-2,772.75
08/27/2025	HCM ARCHITECTS-HAGEN CHRISTENSEN & MCILWAIN	Accounts Payable	Check	-7,705.20
08/27/2025	HEALTH PARTNERS	Accounts Payable	Check	-1,912.00
08/27/2025	HOISINGTON KOEGLER GROUP / HKGI	Accounts Payable	Check	-496.25
08/27/2025	IDEAL SERVICE INC	Accounts Payable	Check	-382.50
08/27/2025	INTERSTATE BATTERY SYSTEM	Accounts Payable	Check	-665.80
08/27/2025	JAMF SOFTWARE LLC	Accounts Payable	Check	-2,500.00
08/27/2025	KENNEDY & GRAVEN CHARTERED	Accounts Payable	Check	-2,624.55
08/27/2025	LAKE RESTORATION INC	Accounts Payable	Check	-362.00
08/27/2025	LANDRUD, OWEN	Accounts Payable	Check	-183.46

08/27/2025	LEAGUE OF MINNESOTA CITIES	Accounts Payable	Check	-30.00
08/27/2025	LEAGUE OF MN CITIES INS TRUST	Accounts Payable	Check	-1,114.85
08/27/2025	LOFFLER COMPANIES-131511	Accounts Payable	Check	-1,836.00
08/27/2025	LONG RUN LEADERSHIP CONSULTING	Accounts Payable	Check	-3,215.83
08/27/2025	MAC QUEEN	Accounts Payable	Check	-62.00
08/27/2025	MARTIN MARIETTA	Accounts Payable	Check	-1,416.49
08/27/2025	MENARDS - FRIDLEY	Accounts Payable	Check	-288.19
08/27/2025	MINN DEPT OF TRANSPORTATION	Accounts Payable	Check	-1,224.93
08/27/2025	MINNESOTA ROADWAYS	Accounts Payable	Check	-178.00
08/27/2025	MORRELL ENTERPRISES	Accounts Payable	Check	-198.63
08/27/2025	NESS, GAIL	Accounts Payable	Check	-3,325.00
08/27/2025	NEW BRIGHTON, CITY OF	Accounts Payable	Check	-1,003.97
08/27/2025	NICK, HEATHER	Accounts Payable	Check	-3,052.50
08/27/2025	NORTHERN SANITARY SUPPLY INC	Accounts Payable	Check	-200.35
08/27/2025	NOVACARE REHABILITATION	Accounts Payable	Check	-120.00
08/27/2025	PLATINUM POWER WASHING INC	Accounts Payable	Check	-3,359.35
08/27/2025	Q3 CONTRACTING INC / PSC	Accounts Payable	Check	-1,059.90
08/27/2025	RESPEC	Accounts Payable	Check	-6,000.00
08/27/2025	SQUEEGEE MAGIC	Accounts Payable	Check	-70.06
08/27/2025	STIMEY ELECTRIC	Accounts Payable	Check	-1,651.97
08/27/2025	SUBURBAN TIRE WHOLESALE INC	Accounts Payable	Check	-820.00
08/27/2025	TIMBERLINE LAWN CARE INC	Accounts Payable	Check	-1,360.00
08/27/2025	UHL COMPANY	Accounts Payable	Check	-3,770.00
08/27/2025	VALLEY-RICH CO INC	Accounts Payable	Check	-7,254.44
08/27/2025	VESTIS	Accounts Payable	Check	-556.06
08/27/2025	WILSON, RYAN	Accounts Payable	Check	-1,578.00
08/27/2025	XCEL ENERGY	Accounts Payable	Check	-22,645.86
08/27/2025	YALE MECHANICAL INC	Accounts Payable	Check	-2,139.00
08/27/2025	YOUNG, JORDAN	Accounts Payable	Check	-200.00
08/27/2025	MINN CHILD SUPPORT PAYMENT CENTER	Accounts Payable	Check	-327.27
08/29/2025	FRIDLEY POLICE ASSOCIATION-PY only	Accounts Payable	EFT	-196.00
08/29/2025	FRIDLEY-IAFF DUES/INTL ASSOC/FIRE FIGHTERS	Accounts Payable	EFT	-120.00
08/29/2025	VOYA INSTITUTIONAL TRUST (for MINN DEFERRED)	Accounts Payable	Bank Draft	-996.15
08/29/2025	VOYA INSTITUTIONAL TRUST (for MINN DEFERRED)	Accounts Payable	Bank Draft	-2,326.14
08/29/2025	CITY OF FRIDLEY-MISSION SQUARE-457 Def.Comp	Accounts Payable	Bank Draft	-22,073.51
08/29/2025	CITY OF FRIDLEY-MISSION SQUARE-457 Def.Comp	Accounts Payable	Bank Draft	-4,434.89
08/29/2025	CITY OF FRIDLEY-MISSION SQUARE RHS Retiree Health Sav	Accounts Payable	Bank Draft	-397.20
08/29/2025	MINN DEPT OF REVENUE - Payroll Garnishments	Accounts Payable	Bank Draft	-522.07
08/29/2025	PERA - PUBLIC EMPLOYEES	Accounts Payable	Bank Draft	-46,761.46
08/29/2025	PERA - PUBLIC EMPLOYEES	Accounts Payable	Bank Draft	-164.46
08/29/2025	PERA - PUBLIC EMPLOYEES	Accounts Payable	Bank Draft	-68,389.21
08/29/2025	CITY OF FRIDLEY-MISSION SQUARE RHS Retiree Health Sav	Accounts Payable	Bank Draft	-150.00

08/29/2025	CITY OF FRIDLEY-MISSION SQUARE RHS Retiree Health Sav	Accounts Payable	Bank Draft	-2,250.00
08/29/2025	CITY OF FRIDLEY-MISSION SQUARE RHS Retiree Health Sav	Accounts Payable	Bank Draft	-600.00
08/29/2025	CITY OF FRIDLEY-MISSION SQUARE Roth IRA	Accounts Payable	Bank Draft	-6,825.76
08/29/2025	INTERNAL REVENUE SERVICE - PAYROLL TAXES	Accounts Payable	Bank Draft	-51,535.34
08/29/2025	INTERNAL REVENUE SERVICE - PAYROLL TAXES	Accounts Payable	Bank Draft	-18,879.34
08/29/2025	MINN DEPT OF REVENUE - PAYROLL TAX	Accounts Payable	Bank Draft	-28,216.20
08/29/2025	INTERNAL REVENUE SERVICE - PAYROLL TAXES	Accounts Payable	Bank Draft	-61,799.77
08/29/2025	Payroll EFT	Payroll	EFT	-434,409.34
09/01/2025	SVAP FRIDLEY MARKET (Bank Draft Pmt)	Accounts Payable	Bank Draft	-22,854.00
09/03/2025	ALLIANT ENGINEERING INC	Accounts Payable	Check	-20,115.00
09/03/2025	ANOKA IND GRAIN & FEED DEALERS	Accounts Payable	Check	-194.81
09/03/2025	APPLE FORD WHITE BEAR LAKE	Accounts Payable	Check	-118.58
09/03/2025	ASPEN MILLS INC	Accounts Payable	Check	-4,042.14
09/03/2025	BEISSWENGER'S HARDWARE	Accounts Payable	Check	-20.95
09/03/2025	BOLTON & MENK INC	Accounts Payable	Check	-33,945.00
09/03/2025	BRAUN INTERTEC CORPORATION	Accounts Payable	Check	-7,890.00
09/03/2025	BRENNAN CONSTRUCTION OF MN INC	Accounts Payable	Check	-73,858.15
09/03/2025	CAMP K9 & K9 CUTS LLC	Accounts Payable	Check	-118.00
09/03/2025	CENTER FOR INTERNET SECURITY INC	Accounts Payable	Check	-995.00
09/03/2025	CENTERPOINT ENERGY-MINNEGASCO	Accounts Payable	Check	-517.95
09/03/2025	CENTURY LINK	Accounts Payable	Check	-71.39
09/03/2025	COLUMBIA HEIGHTS POLICE DEPARTMENT	Accounts Payable	Check	-2,076.94
09/03/2025	COMCAST (PO BOX 37601)	Accounts Payable	Check	-1,845.10
09/03/2025	COMCAST/XFINITY (PO BOX 60533)	Accounts Payable	Check	-1,123.69
09/03/2025	COON RAPIDS POLICE DEPARTMENT	Accounts Payable	Check	-1,064.76
09/03/2025	EMERGENCY AUTOMOTIVE TECHNOLOGIES / EATI	Accounts Payable	Check	-497.54
09/03/2025	FLAGSHIP RECREATION LLC	Accounts Payable	Check	-5,325.20
09/03/2025	FRIENDLY CHEVROLET INC	Accounts Payable	Check	-6,482.09
09/03/2025	GENUINE PARTS CO/NAPA	Accounts Payable	Check	-41.36
09/03/2025	GRUNDMAN, MIKE	Accounts Payable	Check	-27.30
09/03/2025	HOFFMAN BROS. SOD	Accounts Payable	Check	-35.00
09/03/2025	INNOVATIVE OFFICE SOLUTIONS	Accounts Payable	Check	-439.28
09/03/2025	INTERSTATE BATTERY SYSTEM	Accounts Payable	Check	-157.95
09/03/2025	KIMLEY-HORN & ASSOCIATES INC	Accounts Payable	Check	-77,751.50
09/03/2025	MARTIN MARIETTA	Accounts Payable	Check	-120.00
09/03/2025	MINN IT	Accounts Payable	Check	-509.66
09/03/2025	MORRELL ENTERPRISES	Accounts Payable	Check	-1,496.92
09/03/2025	NORTH AMERICAN RESCUE	Accounts Payable	Check	-2,348.99
09/03/2025	NORTH SECOND STREET STEEL / GARELICK STEEL	Accounts Payable	Check	-548.00
09/03/2025	NUSS TRUCK AND EQUIPMENT	Accounts Payable	Check	-168,484.10
09/03/2025	PALADIN TECHNOLOGIES (USA) INC	Accounts Payable	Check	-76,229.36
09/03/2025	Q3 CONTRACTING INC / PSC	Accounts Payable	Check	-384.40

09/03/2025	SPRING LAKE PARK, CITY OF - POLICE	Accounts Payable	Check	-4,294.08
09/03/2025	STIMEY ELECTRIC	Accounts Payable	Check	-7,685.55
09/03/2025	TOM MALONE/ULTIMATE MARTIAL ARTS INC	Accounts Payable	Check	-1,040.00
09/03/2025	TOVAR, SANTOS	Accounts Payable	Check	-150.94
09/03/2025	VERIZON WIRELESS	Accounts Payable	Check	-480.12
09/03/2025	VESTIS	Accounts Payable	Check	-229.29
09/03/2025	WICKS, CHRISTINE	Accounts Payable	Check	-100.00
09/03/2025	XCEL ENERGY	Accounts Payable	Check	-66.54

Summary

Bank Account	Count	Amount	
		121	
		Report Total:	_____
Cash Account			Count Amount
		121	
		Report Total:	_____
		121	
	Transaction Type	Amount	
	Bank Draft	¹⁸ -339,175.50	
	Check	-645,002.11	
	EFT	³ -434,725.34	
	Report Total:	-1,418,902.95	



AGENDA REPORT

Meeting Date: September 8, 2025

Meeting Type: City Council

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Resolution No. 2025-106, Approving the Massage Therapy Individual License Application for Ying Song to Operate at Dave's Sport Shop

Background

Ying Song has applied for a massage therapy individual license application to operate at Dave's Sport Shop. Chapter 125 (Massage Therapy Businesses and Massage Therapists) of the Fridley City Code (Code) contains 14 standard conditions that apply to all Massage Therapy Business Licenses and Massage Therapy Individual Licenses. The Chapter establishes standard conditions of the Fridley City Council (Council) to protect the health, safety and general welfare of the public.

Findings

As a part of the application approval process for individual licenses, background checks, investigations and verifications are performed. Below is a summary of the verifications and determinations of staff:

Requirement	Staff	Determination/notes
Application	City Clerk	Passed
Investigation	City Clerk and Police	Passed
Background check	Police	Passed
Accredited Institution Certificate	City Clerk	Passed
Personal References	City Clerk	Passed
Past Employment History	City Clerk	Passed

Ms. Song has held a Massage Therapy Individual License in the City of Bloomington. Staff contacted the City of Bloomington as part of the background investigation, and they stated they had no issues with Ms. Song. Ms. Song has passed all other verifications and meets all requirements as stated in Code. Staff find no reason to deny the license application.

Financial Impact

Revenue from license fees is anticipated in the City's annual budget.

Recommendation

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Staff recommend approval of Resolution No. 2025-106, Approving the Massage Therapy Individual License Application for Ying Song to Operate at Dave's Sport Shop.

Focus on Fridley Strategic Alignment

☐ Vibrant Neighborhoods & Places	☐ Community Identity & Relationship Building
☐ Financial Stability & Commercial Prosperity	☒ Public Safety & Environmental Stewardship
☐ Organizational Excellence	

Attachments and Other Resources

- Resolution No. 2025-106

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Resolution No. 2025-106**Approving the Massage Therapy Individual License Application for Ying Song to Operate at Dave's Sport Shop**

Whereas, Chapter 125 (Massage Therapy Businesses and Massage Therapists) of the Fridley City Code (Code) establishes standards of operation for licensed businesses and individuals to operate in the City of Fridley (City); and

Whereas, Ying Song applied for a Massage Therapy Individual License to operate at Dave's Sport Shop; and

Whereas, staff performed the required background checks, investigations and verifications for Massage Therapy Individual Licenses finding no reasons to deny; and

Whereas, Section 125.10 of the Code authorizes the City Council to approve or deny any Massage Therapy Individual License application.

Now therefore it be resolved, the City Council of the City of Fridley, Minnesota hereby approves the Massage Therapy Individual License submitted by Ying Song to Operate at Dave's Sport Shop.

Passed and adopted by the City Council of the City of Fridley this 8th day of September, 2025.

Dave Ostwald – Mayor

Attest:

Melissa Moore – City Clerk



AGENDA REPORT

Meeting Date: September 8, 2025

Meeting Type: City Council

Submitted By: Mike Maher, Parks and Recreation Director

Title:

Resolution No. 2025-104, Approving a Cooperative Agreement Between the City of Fridley and Great River Greening for Habitat Restoration Work at Innsbruck Nature Center

Background

The City of Fridley (City) has an opportunity to enter into a cooperative agreement with Great River Greening for restoration of habitat at Innsbruck Nature Center. The agreement would utilize grant funds provided for the project through the State of Minnesota's Lessard-Sams Outdoor Heritage Council.

The work would remove invasive trees and shrubs throughout the 22.25-acre site followed by several years of treatment of regrowth of invasive trees and shrubs. Additionally, native grasses would be planted in infested areas to promote biodiversity and at least one volunteer event would be held to help manage the site and engage community members.

Financial Impact

The total project cost is \$209,700 with Great River Greening contributing \$194,700 and the City being responsible for \$15,000 over a five-year period of project implementation. Grant match dollars have been allocated in the annual Capital Improvements Projects (CIP).

Recommendation

Staff recommends approval of Resolution No. 2025-104, Approving a Cooperative Agreement Between the City of Fridley and Great River Greening for Habitat Restoration Work at Innsbruck Nature Center.

Focus on Fridley Strategic Alignment

☐ Vibrant Neighborhoods & Places	☒ Community Identity & Relationship Building
☐ Financial Stability & Commercial Prosperity	☒ Public Safety & Environmental Stewardship
☐ Organizational Excellence	

Attachments and Other Resources

- Resolution No. 2025-104
- Cooperative Agreement Between City of Fridley and Great River Greening for Habitat Restoration Work at Innsbruck Nature Center

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Resolution No. 2025-104

Approving a Cooperative Agreement Between the City of Fridley and Great River Greening for Habitat Restoration Work at Innsbruck Nature Center

Whereas, the City of Fridley (City) operates the Innsbruck Nature Center property as a natural-resource based park for the preservation and enjoyment of nature; and

Whereas, the nonprofit Great River Greening was awarded grant funds through the State of Minnesota's Lessard-Sams Outdoor Heritage Council to conduct habitat restoration work at Innsbruck Nature Center with the cooperation of the City; and

Whereas, an active volunteer effort has been undertaken to improve biodiversity at Innsbruck Nature Center through removal of invasive plant species and seeding of native plant species and the cooperative agreement would further the efforts of volunteers and staff; and

Whereas, the Parks and Recreation Commission has provided a recommendation to enter into a cooperative agreement with Great River Greening for habitat restoration work at Innsbruck Nature Center; and

Whereas, the City will be responsible for a total contribution to the project of \$15,000 over the five-year project implementation and budgets funds annually for grant matches; and

Whereas, staff recommends the approval of the cooperative agreement between the City and Great River Greening.

Now, therefore be it resolved, that the City Council of the City of Fridley authorizes the execution of a cooperative agreement of between the City of Fridley and Great River Greening for habitat restoration work at Innsbruck Nature Center.

Passed and adopted by the City Council of the City of Fridley this 8th day of September, 2025.

Dave Ostwald – Mayor

Attest:

Melissa Moore – City Clerk

GREAT RIVER GREENING COOPERATIVE AGREEMENT

THIS AGREEMENT, hereinafter referred to as “Agreement”, is made the **23rd of July, 2025**, by and between the **City of Fridley**, hereinafter referred to as the “**City**” and/or “**Landowner**” and **GREAT RIVER GREENING**, hereinafter referred to as the “**GRG**” and/or “**Grantee**”.

RECITALS

GRG is a non-profit 501 (c)(3) conservation organization based in St. Paul, Minnesota organized for the purpose of restoring natural areas and open spaces through community engagement; and

Funding for this project was provided from the Outdoor Heritage Fund, as appropriated by the Minnesota State Legislature and recommended by the Lessard-Sams Outdoor Heritage Council (LSOHC).

Under Minn. Stat. §84.026 the Department of Natural Resources is empowered to enter into grant agreements. *The Grantee has received an appropriation:*

Under ML 2025, Ch. 26, Art. 1, Sec. 2, subd.5(i), Metro Big Rivers 15, \$6,793,000 the first year is to the commissioner of natural resources for agreements to acquire land in fee and permanent conservation easements and to restore and enhance natural habitat systems associated with the Mississippi, Minnesota, and St. Croix Rivers and their tributaries in the metropolitan area as follows: \$975,000 to Great River Greening.

GRG desires to contribute **\$194,700** towards the partnership project; and
The Landowner desires to contribute **\$15,000** towards the partnership project; and

The Landowner seeks to enter into an agreement with GRG for the purpose of detailing partnership contributions and the provision of Technical Services in support of the Innsbruck Nature Center Phase 1 project. With GRG contributing funds from the appropriation to the project(s), the City is subject to the terms as described in Exhibit A.

NOW THEREFORE, in consideration of the mutual undertakings and agreement contained within this agreement, the Landowner and GRG hereby agrees as follows:

1. Compensation and Terms of Payment a. **Compensation**

Total Project Costs:	\$209,700
<i>GRG Contributions:</i>	<i>\$194,700</i>
<i>Landowner Contributions:</i>	<i>\$15,000</i>

The Parties agree that GRG will complete or arrange for services to be completed under this Agreement. The cost of such services will be funded by joint contributions of the parties. *Note: GRG's contribution outlined above includes the project-specific costs opposed to the grant level project total.

The Landowner's contributions under this agreement shall be paid to GRG, not to exceed **\$15,000**.

GRG shall assume fiscal responsibility for all services completed under this agreement, besides the Landowner's cash match and/or in-kind contributions. GRG's financial obligation, as set out above, shall be in accordance with the Outdoor Heritage Fund which is attached and incorporated herein as **Exhibit A**, and may be met through actual payment for services to a third party or calculation of the value, on an hourly basis, for “in-kind” services provided.

b. **Terms of Payment**

For the Landowner's contribution, GRG shall submit invoices on an annual basis to the authorized agent of the Landowner for payment of the annual allocation, as shown in the table below. Payments shall be made within thirty (30) days after receipt of invoices by the authorized agent of the Landowner.

June 2026	\$3,000
June 2027	\$3,000
June 2028	\$3,000
June 2029	\$3,000
June 2030	\$3,000

2. **Condition of Payment**

All services provided by GRG pursuant to this agreement shall be performed to the satisfaction of the Landowner and its authorized agent, and in accordance with all applicable federal, state and local laws, ordinances, rules and regulations. Payment shall be withheld for work found by the Landowner or its authorized agent to be unsatisfactory, or performed in violation of federal, state and local laws, ordinances, rules or regulations.

3. **Scope of Services (Project Map can be found in Exhibit B)**

Innsbruck Nature Center

GRG agrees to provide the following list of services for the 22 acres of forest restoration at Innsbruck Nature Center:

- Project oversight by GRG Ecologists.
 - o Write a Natural Resource Management plan (NRMP) including potential plans for grant funded restoration activities as well as descriptions for suggested maintenance for 10 years post grant funding.
 - o Grant administration, reporting and document storage for 7 years after grant close.
 - o Draft, release, and award public RFB (Request for Bid) and specifications to hire a qualified natural resources service provider to implement prescribed restoration activities.
 - o Oversee implementation of workplan by service provider and act on City's behalf over course of implementation.
 - o Coordinate stewardship event(s).
- Coordination of contracted work, including but not limited to:
 - o Invasive tree & shrub removal across the site utilizing multiple removal, disposal, and treatment techniques.
 - o 3 years of invasive seedling, sapling, and resprout follow up management with fall foliar.
 - o Seeding of infested areas with native grass mix for buckthorn follow up. – delayed 1 ½ years after any biochar spread on site.
- Coordination and facilitation of one volunteer event for habitat enhancement (50-100 volunteers).
- All required state grant administration, yearly auditing, biannual reporting, and required storage of grant related documents for 7 years after completion.

The Landowner agrees to provide the following list of services for the project:

- Access to site by GRG or subcontractors.
- Coordination and approval of Project activities consistent with the City plans, goals and policies.
- Resident and park user notification and signage as appropriate for communication to the public.
- In-kind Landowner or volunteer labor or assistance as agreed upon to facilitate tasks required for the completion of the project which otherwise would have been paid for by the grant. If in-kind is provided, the Landowner will submit a memorandum summarizing the value of services provided, no less than 30 days after completion.

All plans, specifications and documents will be shared with the Landowner for documentation of work and for building future staff knowledge. Contracted work plan(s) subject to change from above and will only go forward with prior authorization from the Landowner.

4. **Effective Date of Contract**

This agreement shall be effective on the date the agreement has been fully executed by all parties..

5. **Term of Contract**

This agreement shall remain in effect until **June 30th, 2030**, or until all obligations set forth in this agreement have been satisfactorily fulfilled or unless earlier terminated as provided, whichever occurs first.

6. **Notices**

The Landowner shall appoint an authorized agent for the purpose of administration of this agreement. GRG is notified of the authorized agent of the Landowner as follows:

City of Fridley	Great River Greening
Authorized Contact	Authorized Contact
Mike Maher	Evelyn Moran
Address	Address
7071 University Avenue NE Fridley, MN 55432	251 Starkey Street, Suite 2200 St Paul, MN 55107
Phone Number	Phone Number
(763) 572-3575	(651) 247-4569
Email Address	Email Address
Mike.maher@fridleymn.gov	emoran@greatrivergreening.org

7. **Partner and State Audit**

Pursuant to Minn. Stat. Section 16C.05, Subd. 5 (2007), the books, records, documents, and accounting procedures and practices of GRG relative to this agreement shall be subject to examination by the Landowner and the State Auditor. Complete and accurate records of the work performed pursuant to this agreement shall be kept by GRG for a minimum of six (6) years following termination of this agreement for such auditing purposes. The retention period shall be automatically extended during the course of any administrative or judicial action involving the Landowner regarding matters to which the records are relevant. The retention period shall be automatically extended until the administrative or judicial action is finally completed or until the authorized agent of the Landowner notifies GRG in writing that the records need no longer be kept.

8. **Indemnity**

GRG agrees to defend, indemnify, and hold the Landowner, its employees and officials harmless from any claims, demands, actions or causes of action, including reasonable attorney's fees and expenses resulting directly or indirectly from any negligent act or omission on the part of the GRG, or its subcontractors, partners or independent contractors or any of their agents or employees, in the performance of or with relation to any of the work or services to be performed or furnished by the vendor or the subcontractors, partners or independent contractors or any of their agents or employees under the agreement.

GRG shall be responsible for the professional quality, technical accuracy, and the coordination of all services furnished by GRG under this agreement. GRG shall, without additional compensation, correct or revise any errors or deficiencies in GRG's final reports and services.

9. **Insurance**

GRG shall not commence work under this agreement until it has obtained, at its own cost and expense, all insurance required herein. All insurance coverage is subject to approval of the Landowner and shall be maintained by GRG until final completion of the work.

a. **Workers' Compensation**

- 1) State: Minnesota – Statutory
- 2) Employer's Liability with minimum limits of:

Bodily Injury by Accident:	\$100,000 each Accident
Bodily Injury by Disease:	\$100,000 each Employee
Bodily Injury by Disease:	\$500,000 policy limit
- 3) Benefits required by union labor contracts: as applicable

In the event GRG is a sole proprietor and has not elected to provide workers' compensation insurance, GRG shall be required to execute and submit an affidavit of sole proprietorship in a form satisfactory to the Landowner before entering into the agreement.

b. **Commercial General Liability**

Including Premises, Operations, Products, Completed Operations, Advertising, and Personal Injury Liability, with the following minimum limits of liability:

\$2,000,000 Aggregate
\$2,000,000 Products & Completed Operations Aggregate
\$1,000,000 Personal Injury & Advertising Injury
\$1,000,000 Occurrence
\$ 100,000 Fire Damage Limit
\$ 5,000 Medical Expense

Policy should be written on an occurrence basis and include explosion, collapse and underground.

c. **Commercial Auto Liability**

Automobile Liability should include Hired and Non-Owned, and the Landowner should be named as an additional insured.

Minimum limits of liability shall be:

If split limits: \$1,000,000 each person/\$1,000,000 each occurrence for Bodily Injury
 \$1,000,000 each occurrence for Property Damage

If combined single limit: \$1,000,000 per occurrence

d. **Proof of Insurance**

Insurance certificates evidencing that the above insurance is in force with companies acceptable to Landowner and in the amounts required shall be submitted to Landowner for examination and approval prior to the execution of the agreement, after which they shall be filed with Landowner. **The insurance certificate shall name the Landowner as an additional insured and specifically provide that a certificate shall not be materially changed, canceled or non-renewed except upon sixty (60) days prior written notice to Landowner.** Neither Landowner failure to require or insist upon certificates, nor other evidence of a variance from the specified coverage requirements, amends GRG's responsibility to comply with the insurance specifications.

10. **Subcontracts**

GRG shall ensure and require that any subcontractor agrees to and complies with all of the terms of this agreement. Any subcontractor of GRG used to perform any portion of this agreement shall report to and bill GRG directly. GRG shall be solely responsible for the breach, performance or nonperformance of any subcontractor.

11. **Force Majeure**

Landowner and GRG agree that GRG shall not be liable for any delay or inability to perform this agreement, directly or indirectly caused by, or resulting from, strikes, labor troubles, accidents, fire, flood, breakdowns, war, riot, civil commotion, lack of material, delays of transportation, acts of God or other cause beyond reasonable control of GRG and the Landowner.

12. **Data Practices**

GRG, its agents, employees and any subcontractors of GRG, in providing all services hereunder, agree to abide by the provisions of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as amended, and Minn. Rules promulgated pursuant to Ch. 13. GRG understands that it must comply with these provisions as if it were a government entity. GRG agrees to indemnify and hold the Landowner, its officers, department heads and employees harmless from any claims resulting from GRG's unlawful disclosure, failure to disclose or use of data protected under state and federal laws.

13. **Termination**

This agreement may be terminated by either party, with or without cause upon 30 days written notice to GRG or the Authorized Agent of the Landowner.

14. **Independent Contractor**

It is agreed that nothing contained in this agreement is intended or should be construed as creating the relationship of a partnership, joint venture, or association with the Landowner and GRG. GRG is an independent contractor, and it, its employees, agents, subcontractors, and representatives shall not be considered employees, agents or representatives of the Landowner. Except as otherwise provided herein, GRG shall maintain, in all respects, its present control over the means and personnel by which this agreement is performed. From any amounts due to GR, there shall be no deduction for federal income tax, FICA payments, state income tax, or for any other purposes which are associated with an employer/employee relationship unless otherwise required by law. Payment of federal income tax, FICA payments, state income tax, unemployment compensation taxes, and other payroll deductions and taxes are the sole responsibility of GRG.

15. **Notices**

Any notices to be given under this agreement shall be given by enclosing the same in a sealed envelope, postage prepaid, and depositing the same with the United States Postal Service, addressed to GRG at its address stated herein, and to the authorized agent of the Landowner at the address stated herein.

16. **Controlling Law**

The laws of the State of Minnesota shall govern all questions and interpretations concerning the validity and construction of this agreement, the legal relations between the parties and performance under the agreement. The appropriate venue and jurisdiction for any litigation hereunder will be those courts located within the County or Landowner, State of Minnesota. Litigation, however, in the federal courts involving the parties will be in the appropriate federal court within the State of Minnesota. If any provision of this contract is held invalid, illegal or unenforceable, the remaining provisions will not be affected.

17. **Successors and Assigns**

The Landowner and GRG, respectively, bind themselves, their partners, successors, assigns, and legal representatives to the other party to this agreement and to the partners, successors, assigns, and legal representatives of such other party with respect to all covenants of this agreement. Neither the Landowner nor GRG shall assign, sublet, or transfer any interest in this agreement without the prior written consent of the other.

18. **Equal Employment and Americans with Disabilities**

In connection with the work under this agreement, GRG agrees to comply with the applicable provisions of state and federal equal employment opportunity and nondiscrimination statutes and regulations. Failure on the part of GRG to conduct its own employment practices in accordance with applicable laws may result in the withholding of all or part of regular payments by the City due under this agreement unless or until GRG complies with the Partner policy, and/or suspension or termination of this agreement.

19. **Changes**

The parties agree that no change or modification to this agreement, or any attachments hereto, shall have any force or effect unless the change is reduced to writing, dated, and made part of this agreement. The execution of the change shall be authorized and signed in the same manner as for this agreement.

20. **Severability**

In the event any provision of this agreement shall be held invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties unless such invalidity or non-enforceability would cause the agreement to fail its purpose. One or more waivers by either party of any provision, term, condition or covenant shall not be construed by the other party as a waiver of a subsequent breach of the same by the other party.

21. **Entire Agreement**

It is understood and agreed that the entire agreement of the parties is contained herein and that this agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof as well as any previous agreements presently in effect between the Landowner and GRG relating to the subject matter hereof.

IN WITNESS WHEREOF, the parties have caused this agreement to be duly executed intending to be bound thereby.

CITY OF FRIDLEY

BY: _____

NAME: _____

TITLE: _____

DATE: _____

GREAT RIVER GREENING:

BY: _____

NAME: Kateri Routh

TITLE: Executive Director

DATE: _____

Grant Manager Initials: RT 07/24/2025

Conservation Director Initials: TR 7/25/25

Director of Finance Initials: GS 07/23/2025

EXHIBIT A: State of Minnesota – ML 2025 Outdoor Heritage Fund Metro Big Rivers 15

Grantee	Landowner
Great River Greening	City of Fridley

Under ML 2025, Ch. 26, Art. 1, Sec. 2, subd.5(i), Metro Big Rivers 15, \$6,793,000 the first year is to the commissioner of natural resources for agreements to acquire land in fee and permanent conservation easements and to restore and enhance natural habitat systems associated with the Mississippi, Minnesota, and St. Croix Rivers and their tributaries in the metropolitan area as follows: \$975,000 to Great River Greening.

As a sub-recipient of this funding, the Landowner is subject to the terms below:

COMPLIANCE

The Landowner acknowledges that these funds are proceeds from the State of Minnesota Outdoor Heritage Fund, which is subject to certain legal restrictions and requirements, including Minnesota Statutes Chapter 116P. The Landowner is responsible for compliance with this and all other relevant state and federal laws and regulations in the fulfillment of the Project.

LIABILITY

The Landowner must indemnify, save, and hold the State, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the State, arising from the performance of this grant agreement by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this grant agreement.

ACCESS AND MONITORING

The Landowner agrees to allow the Recipient and the State access at any time to conduct periodic site visits and inspections to ensure work progress in accordance with this grant agreement, including a final inspection upon program completion. At least one monitoring visit per grant period on all state grants of over \$50,000 will be conducted and at least annual monitoring visits on grants of over \$250,000.

Following closure of the program, the State's authorized representatives shall be allowed to conduct post-completion inspections of the site to ensure that the site is being properly operated and maintained and that no conversion of use has occurred.

ACKNOWLEDGMENTS AND ENDORSEMENT

Acknowledgment. The Landowner must acknowledge financial support from the Outdoor Heritage Fund in program publications, signage and other public communication and outreach related to work completed using the appropriation. Acknowledgment may occur, as appropriate, through use of the fund logo or inclusion of language attributing support from the fund. The acknowledgement will contain the following language and/or logo(s):

Funding provided from the Outdoor Heritage Fund as part of the Clean Water, Land, & Legacy Amendment.

Landowner agrees to maintain signs installed by GRG at the project site that includes this logo and will include it in permanent signage installed by Landowner.

Endorsement. The Landowner must not claim that the State endorses its products or services.

ECOLOGICAL AND RESTORATION PLAN

For all restorations, the Grantee in coordination with the Landowner must prepare and retain an ecological restoration and management plan that, to the degree practicable, is consistent with current conservation science and ecological goals for the restoration site. Consideration should be given to soil, geology, topography, and other relevant factors that would provide the best chance for long-term success and durability of the restoration. The plan must include the proposed timetable for implementing the restoration, including, but not limited to, site preparation, establishment of diverse plant species, maintenance, and additional enhancement to establish the restoration; identify long-term maintenance and management needs of the restoration and how the maintenance, management, and enhancement will be financed; and use current conservation science to achieve the best restoration.

LONG TERM MANAGEMENT

As a partner with Great River Greening, the Landowner commits to maintaining the investment put forward over time.

LONG TERM RESTORATION

The Landowner acknowledges the long term maintenance and enhancement needs of the restoration process to achieve restoration goals. The Landowner agrees to maintain restoration for a minimum of 10 years. The Recipient agrees to make reasonable good faith effort to significantly contribute to the successful maintenance of the project.

If the Landowner(s) should fail to maintain the habitat restoration for 10 years, then the Landowner(s) agrees to reimburse the Minnesota Outdoor Heritage Fund for the pro-rated costs of all habitat restoration projects placed on the described land through this Agreement.

PROTECTED LAND

Landowner testifies that the restoration project is on land permanently protected by a conservation easement or public ownership or in public waters as defined in Minnesota Statutes, section 103G.005, subdivision 15; and will provide reasonable written documentation of such protection.

RESTORATION AND ENHANCEMENT GUIDELINES

Recipient and Landowner practices shall comply in every respect with:

DNR Pollinator Best Management Practices and Habitat Restoration Guidelines

(http://files.dnr.state.mn.us/natural_resources/npc/2014_draft_pollinator_bmp_guidelines.pdf); and

Minnesota Board of Water & Soil Resources' Native Vegetation Establishment and Enhancement Guidelines

(<https://bwsr.state.mn.us/sites/default/files/2019-07/Updated%20guidelines%20Final%2007-01-19.pdf> January 2019 version)

MN-DNR Operational Order #113 Invasive Species

(http://files.dnr.state.mn.us/assistance/grants/habitat/heritage/oporder_113.pdf)

MN-DNR Operational Order #59 Pesticide and Pest Control

(http://files.dnr.state.mn.us/assistance/grants/habitat/heritage/oporder_59.pdf);

MN-DNR Division of Fish and Wildlife Pest and Pest Control Guidelines

(http://files.dnr.state.mn.us/assistance/grants/habitat/heritage/faw_pest.pdf);

EXHIBIT B: PROJECT MAP

Innsbruck Park, Fridley, MN

Total Project Acres: 22.25
Woodland Enhancement and Native Establishment

