

CHAPTER 4 **PUBLIC PROTECTION AND GENERAL LICENSING**

SECTION 401.01 LICENSING AND PERMIT PROVISIONS.

Except as otherwise provided in this code, all licenses granted by the City shall be governed by the provisions of this Section. For purposes of this Section, "license" means a document issued by the City, including any permit, allowing the applicant to engage in the conduct specified in the license.

Subd. 1. Application. Every application for a license shall be made to the Clerk on a form the Clerk provides and shall include any other information required by the Council and this Chapter. An application shall be accompanied by payment to the Clerk of the prescribed annual fee to cover the cost to issue the license and to supervise, inspect and regulate licensees. Unless otherwise specified herein or in the terms of the license, all license terms shall begin on July 1 and terminate on June 30 of the following year.

Subd. 2. Action on Application. The Clerk shall present the completed application to the Council for action or, if the license does not require Council approval, the Clerk shall issue or deny the license.

Subd. 3. Refusal and Revocation. The Council, or the Clerk where the license is used by the Clerk, may, for any reasonable cause, refuse to grant any application and revoke any license. Reasonable cause may include failure to submit a complete and accurate application, the failure to comply with applicable code Sections or other applicable laws, the failure to follow any conditions in the code for issuing a license, and failure to follow any conditions of the issuance of the license. The Council may attach any reasonable conditions which an applicant must meet before a license is issued. An applicant or licensee shall receive notice and a hearing prior to revocation or suspension of a license. Summary suspension of a license is permitted where emergency action is required or under such other reasonable circumstances where the Clerk denies, suspends or revokes a license, the applicant may appeal the Clerk's decision to the Council. Where the Council denies, suspends or revokes a license, there is no further appeal of the decision, unless otherwise provided by this Code or by law.

Subd. 4. Insurance Requirements. Whenever insurance is required by a Section of this chapter, the applicant shall file with the Clerk a policy or certificate of public liability insurance showing (1) that the limits are at least as high as required, (2) that coverage is effective for at least the license term approved, (3) that such insurance will not be cancelled, terminated, or materially altered without 30 days' advance written notice served upon the Clerk, and (4) that the City, its elected and appointed officials and employees are named insureds on the policy or certificate. Cancellation, termination or material alteration of such coverage shall be grounds for license revocation.

Subd. 5. Unpaid Claims. The Council may suspend, refuse to grant, or refuse to renew a license for any property upon which taxes, assessments, or other financial claims of the State, County, School District, or City are delinquent or remain unpaid after due. In the event a legal

or administrative proceeding has been commenced, in good faith, questioning the amount or validity of such taxes, assessments or other financial claims, the Council may, upon application, waive strict compliance with this requirement.

Subd. 6. Disqualification Because of Prior Conviction. No person shall be disqualified from obtaining a license solely or in part because of a prior conviction of a crime or crimes, unless the crime or crimes for which convicted directly relate to the occupation or activity for which the license is sought. In determining if a conviction directly relates to an occupation or activity for which a license is sought, the City shall consider the factors and evidence of rehabilitation referred to in Minn. Stat. §364.03.

Subd. 7. Fixing License Fees and Insurance/Bond Amounts. Except as otherwise herein provided, all fees for licenses under this Chapter and all required insurance or bond amounts shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such fees and amounts may, from time to time, be amended by the Council by resolution. A copy of the resolution setting forth currently effective fees and amounts shall be kept on file in the office of the Clerk and open to inspection during regular business hours. For the purpose of fixing such fees and amounts, the Council may subdivide and categorize licenses under a specific license requirement, provided that any such Subdivision or categorization shall be included in the resolution authorized by this Section.

SECTION 402.01. SHOWS AND LARGE ASSEMBLIES.

Subd. 1. License Required. No person shall present, sponsor, promote, participate in or permit any public show, circus, theatrical or other performance or exhibition or assembly of 200 or more persons at one time in a single location, for any purpose, to which the public is invited, (any of which is hereafter referred to as a "Large Assembly") without first having obtained a license therefor from the City.

Subd. 2. Application. The application for a license shall set forth the name and address of the person who is to conduct and sponsor the Large Assembly, state the times and places where the Large Assembly is to be held or conducted, and state the nature of the activity. The application shall also contain such other information as is reasonably requested by the Council or the Clerk.

Subd. 3. Maximum Size. It is unlawful for any licensee to admit a larger number of people than the maximum fixed by the Council at the time of issuance of the license.

Subd. 4. Overnight Camping Prohibited; Food Preparation Restricted. It is unlawful for any licensee to permit any participant, spectator or customer to camp or sleep overnight at the location of a Large Assembly. It is also unlawful for any licensee to permit any participant spectator or customer to prepare food at the location of the Large Assembly, unless that person is a concessionaire. This Section does not apply to security officers performing their duties as such.