

TITLE 3
BUSINESS REGULATIONS

CHAPTER 301

GENERAL LICENSE REGULATIONS

SECTION:

- 301.01: Application
- 301.02: Applications for Licenses and Permits
- 301.03: License and Permit Fees
- 301.04: Prorating of License
- 301.05: Investigations
- 301.06: Duration
- 301.07: Display of License
- 301.08: Transfer of License
- 301.09: Revocation or Suspension of License

301.01: APPLICATION:

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

301.02: APPLICATIONS FOR LICENSES AND PERMITS:

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

- A. Full name, date of birth and residence (or registered office in the case of corporation) of applicant.
- B. Name and address of the location or place of business for which the license or permit is required and the kind of business to be carried on at said address.
- C. Such other information as this Code or the City Manager requires, which may include but is not limited to: (1995 Code)
 - 1. Proof of liability insurance coverage
 - 2. Provision of on-site security personnel, equipment, or combination thereof. (Ord. 1581, 3-9-2020)

301.03: LICENSE AND PERMIT FEES:

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

301.04: PRORATING OF LICENSE:

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

301.05: INVESTIGATIONS:

Before granting or denying any license application, the City Council may order such investigation of the applicant, applicant's business or proposed business and the

premises on which it is to be conducted as it shall deem necessary. (1995 Code)

301.06: DURATION:

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

301.07: DISPLAY OF LICENSE:

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

301.08: TRANSFER OF LICENSE:

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

301.09: REVOCATION OR SUSPENSION OF LICENSE:

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

CHAPTER 302

LIQUOR CONTROL

SECTION:

- 302.01: Adoption of State Law
- 302.02: License Required
- 302.03: Application
- 302.04: License Fees
- 302.05: Ineligibility
- 302.06: Delinquent Taxes and Charges
- 302.07: Granting of License
- 302.08: Conditions of License
- 302.09: Hours of Sale
- 302.10: Evacuation of On-sale Establishments
- 302.11: Sale Outside of Structure on Licensed Premises
- 302.12: On-sale of Intoxicating Malt Liquor
- 302.13: Off-sale License Regulations
- 302.14: Prohibited Conduct
- 302.15: Civil Penalty

302.01: ADOPTION OF STATE LAW:

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

302.02: LICENSE REQUIRED:

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

- D. On-sale Intoxicating Liquor Licenses: On-sale intoxicating liquor licenses shall be issued only to hotels and restaurants as defined by City Code and shall permit On-sale of intoxicating liquor only, for consumption on the licensed premises only, and in conjunction with the sale of food.
- E. On-sale Wine Licenses: On-sale wine licenses shall be issued only to restaurants as defined by City Code, and shall permit only the sale of wine not exceeding 14% alcohol by volume, for consumption on the licensed premises only, and in conjunction with the sale of food. In addition to qualify for a license under this subsection, a restaurant must have appropriate facilities for seating at least 25 guests at a time. The holder of an on-sale wine license who is also licensed to sell non-intoxicating malt liquor may sell intoxicating malt liquor at on-sale without an additional license. (Ord. 972, 5-13-85) (Ord 1614, 07-11-2022)
- F. On-sale Brewer Taproom License: On-sale brewer taproom liquor licenses shall permit the licensee to sell intoxicating malt liquor that has been produced for consumption on the premises in accordance with MN Statutes section 340A.26. The license shall be exempt from any accompanying sale of food requirements contained in other on-sale license categories. On-sale Brewer Taproom liquor licenses shall include the following restrictions:
 - 1. The Requirements of section 302.10 shall apply to the closing time of Brewery Taprooms as established in this chapter. (Ord. 1428, 7-16-2012)
- G. Club License: Club licenses for the sale of intoxicating beverages to be consumed on the licensed premises may be issued to any clubs meeting the requirements of Minnesota Statute 340A.404, subdivision 1. (1995 Code)
- H. Special License for Sunday Sales: A special license authorizing sales on Sunday in conjunction with the serving of food may be issued to any hotel, restaurant or club which has an On-sale license. A special Sunday license is not needed for Sunday sales of wine license.
- I. Off-sale Intoxicating Liquor Licenses: Off-sale licenses for the sale of intoxicating liquor shall permit the licensee to sell intoxicating liquor in original packages for consumption off the premises only. Such licenses may be issued in accordance with the provisions of this Chapter.
- J. On-sale Non-intoxicating Malt Liquor Licenses: On-sale licenses shall permit the licensee to sell non-intoxicating malt liquor for consumption on the premises only.
- K. Off-sale Non-intoxicating Malt Liquor Licenses: Off-sale licenses shall permit the licensee to sell non-intoxicating malt liquor in original packages for consumption off the premises only. (Ord. 972, 5-13-1985)
- L. Off-Sale Brewery Malt Liquor License: Off-sale brewery malt liquor licenses for the sale of intoxicating liquor shall permit the licensee to sell intoxicating liquor that has been produced and packaged on the licensed premises in accordance with MN Statutes section 340A.28 or 340A.29 (Ord.1406, 4-25-2011) (Ord 1613, 06-06-2022)
- M. Temporary On-sale Licenses: Temporary On-sale licenses may be issued to a club or charitable, religious or nonprofit organization in existence for at least three years in connection with social events within the City, for up to three days in accordance with Minnesota Statutes section 340A.404, subdivision 10. (1995 Code)
- N. Temporary On-sale License In Central Park: Upon payment of the fee and submission of a completed application form, the City Manager is authorized to

approve a temporary On-sale license for the sale and distribution of non-intoxicating malt liquor to a club, charitable, religious or other nonprofit organization in existence at least three years, for such sale and distribution in Central Park only for a time not to exceed three consecutive days, provided the following conditions are met:

1. Insurance: Proof of liquor liability insurance in an amount equal to and in the form required by subsection 302.03C of this Chapter is filed with the application.
2. Security Plan: A security plan, approved by the Chief of Police, is filed along with the application.
3. Hours of Sale: In addition to the limitation on hours found elsewhere in this Code, the hours of sale shall be only during the time that Central Park is open to the public. Sales and distribution shall be located only in a shelter building or a temporary shelter, such as a tent, approved by the City Manager. In the event the City Manager denies the application, for any reason, the applicant may appeal the decision of the City Manager to the City Council. (Ord. 1102, 9-23-1991)

- O. Intoxicating Liquors at events at the Roseville Skating Center and Cedarholm Community Building and Golf Course: Intoxicating liquor may be sold within controlled areas at the Roseville Skating Center and Cedarholm Community Building and Golf Course only under the following conditions:
 1. The intoxicating liquor may only be sold by the holder of a retail on-sale intoxicating liquor license issued by the City or by an adjacent municipality.
 2. The licensee must be engaged to dispense intoxicating liquor at an event held by a person or organization permitted to use the Roseville Skating Center and Cedarholm Community Building and Golf Course for such event, and may dispense intoxicating liquor only to persons attending the event.
 3. The licensee must deliver to the City a certificate of insurance providing liquor liability coverage satisfactory to the City, naming the City of Roseville, to the full extent of statutory coverage, as an additional named insured.
 4. All other rules and regulations established by the City relating to the sale or dispensing of intoxicating liquor at the Roseville Skating Center and Cedarholm Community Building and Golf Course are complied with. (Ord. 972, 5-13-1985) (Ord.1398, 10-18-2010) (Ord. 1541 1-29-2018)
- P. Off-Sale Microdistillery Licenses: Off-Sale Microdistillery licenses shall permit the licensee to sell distilled spirits, as that term is defined under Minnesota Statutes section 340A.101, manufactured on-site, subject to all regulations and restrictions contained in this Chapter and Minnesota Statutes section 340A.22 (Ord.----,6-8-2015)
- Q. On-Sale Microdistillery Cocktail Room Licenses: On-Sale Microdistillery Cocktail Room Licenses shall permit the licensee to sell distilled liquor produced by the distiller for consumption on the distiller's premises, subject to all regulations and restrictions contained in this Chapter and Minnesota Statutes section 340A.22. (Ord.----, 6-8-2015)
- R. For the purposes of this Chapter, the following definitions are adopted:

HOTEL: A hotel is any establishment having a resident proprietor or manager where, in consideration of payment, food and lodging are regularly furnished to transients, which maintains for the use of its guests not less than 50 guest rooms

with bedding and other usual, suitable and necessary furnishings in each room, which is provided at the main entrance with a suitable lobby, desk and office for the registration of its guests, which employs an adequate staff to provide suitable and usual service and which maintains, under the same management and control as the rest of the establishment.

RESTAURANT: A restaurant is any establishment, other than a hotel, having appropriate facilities to serve meals, and where, in consideration of payment, meals are regularly served at tables to the general public and which employs an adequate staff for the usual and suitable service to its guests, and where at least 50% of the gross revenue is from non-alcohol sales. (Ord 1614, 07-11-2022)

302.03: APPLICATION:

- A. Requirements: The requirements set forth in this Section shall apply to applications for those licenses named in Section 302.02 of this Chapter.
- B. Form:
 - 1. Information Required: Every application for a license under this Chapter shall state the name of applicant, applicant's age, presentations as to applicant's character, with such references as the City Council may require, applicant's citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long applicant has been in that business at that place and such other information as the City Council may require from time to time.
 - 2. Verification: In addition to containing such information, the application shall be in the form prescribed by the State Liquor Control Director and shall be verified and filed with the City Manager. No person shall make a false statement in an application.
 - 3. Subsequent Data: From time to time, at the request of the City Manager, a licensee will provide data to the City concerning that portion of its revenue attributable to the sale of food and the sale of liquor and/or wine. (Ord. 972, 5-13-1985)
- C. Liability Insurance:
 - 1. Policy Limits: Prior to the issuance or renewal of a license under this Chapter, the applicant shall file with the City Manager a certificate of insurance in a form to be provided by the City covering liquor liability, loss of means of support and pecuniary loss in the amount of (\$500,000.00 of coverage because of bodily injury to any one person in any one occurrence; \$1,000,000.00 because of bodily injury to two or more persons in any one occurrence; \$100,000.00 because of injury to or destruction of property of others in any one occurrence; \$200,000.00 for loss of means of support or pecuniary loss to any one person in any one occurrence; and \$500,000.00 for loss of means of support or pecuniary loss for two or more persons in any one occurrence.
 - 2. Annual Aggregate Limits: Annual aggregate limits as provided by Minnesota Statutes section 340A.409 shall not be less than \$1,000,000.00. In the event such policy provides for (\$1,000,000.00 annual aggregate limits, said policy shall further require that in the event that the policy limits are reduced in any given year because of the \$1,000,000.00 annual aggregate policy limit, the insurance carrier shall provide the City with written notice of said reduction in policy limits within 30 days of said reduction becoming effective.

(Ord. 1175, 10-28-1996)

3. Further Requirements: After the reduction becomes effective, the City Council may require the licensee to take further action with regard to liability insurance in order to protect citizens of the City during the period of the reduced aggregate policy limit.

4. Applicability: The requirements of this Section shall be applicable to new licenses issued after the effective date of this subsection and for renewals applied for after the effective date of this subsection. (Ord. 1046, 9-12-1988)

- D. Approval of Insurance: Liability insurance policies shall be approved as to form by the City Attorney. Operation of a licensed business without having on file with the City, at all times, a certificate of insurance as required in subsection C of this Section is a cause for revocation of the license. All insurance policies shall state that the City will be given ten days' notice, in writing, of cancellation. (Ord. 972, 5-13-1985)
- E. Insurance Not Required: Subsection C of this Section does not apply to licensees who by affidavit establish that they are not engaged in selling any intoxicating or non-intoxicating malt liquor in Central Park and that:
1. They are On-sale 3.2 percent malt liquor licenses with sales of less than \$10,000.00 of 3.2 percent malt liquor for the preceding year;
 2. They are Off-sale 3.2 percent malt liquor licenses with sales of less than \$20,000.00 of 3.2 percent malt liquor for the preceding year;
 3. They are holders of On-sale wine licenses with sales of less than \$10,000.00 for wine for the preceding year; or
 4. They are holders of temporary wine licenses issued under law. (Ord. 1175, 10-28- 1996)

302.04: LICENSE FEES:

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

302.05: INELIGIBILITY:

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

302.06: DELINQUENT TAXES AND CHARGES:

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

302.07: GRANTING OF LICENSE:

- A. Investigation and Issuance: The City Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the City Council shall, in its discretion, grant or refuse the application. At least ten days published notice of the hearing shall be given, setting forth the name of the applicant and the address of the premises to be licensed.
- B. Person and Premises Licensed; Transfer: Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without City Council approval. Before a transfer is approved, the transferee shall comply with the requirements for a new application. Any transfer of the controlling interest of a licensee is deemed a transfer of the license. Transfer of a license without prior City Council approval is a ground for revocation of the license. (Ord. 972, 5-13-1985) (Ord. 1390, 3-29-2010)

302.08: CONDITIONS OF LICENSE:

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

- A. Licensee's Responsibility: Every licensee is responsible for the conduct of licensee's place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises, authorized to sell intoxicating liquor there, is deemed the act of the licensee as well and the licensee shall be liable to all penalties provided by this chapter and the law equally with the employee.
- B. Inspections: Every licensee shall allow any peace officer, health officer or properly designated officer or employee of the city to enter, inspect and search the premises of the licensee during business hours without a warrant.
- C. Manager and Server Training: With the exception of temporary on-sale licenses issued pursuant to Section 302.02, subparts k and l, all licensees and their managers, and all employees or agents employed by the licensee that sell or serve alcohol, shall complete, to the City's satisfaction, a city approved or provided liquor licensee training program. Both the City's approval of the training and the required training shall be completed:
 - 1. Prior to licensure or renewal for licensees and managers, or

¹ M.S.A. §340A.402.

2. Prior to serving or selling for any employee or agent, and
3. Every year thereafter unless probationary extension is granted for hardship reasons.

All licensees shall maintain documentation evidencing that this provision has been met, and produce such documentation as part of each application for licensure or renewal and upon reasonable request made by a peace officer, health officer or properly designated officer or employee of the city pursuant to the inspections provision noted above. An applicant's or licensee's failure to comply with this provision in its entirety is sufficient grounds for denial or non-renewal of a requested license. (Ord. 1243, 11-27-2000) (Ord. 1390, 3-29-2010)

302.09: HOURS OF SALE:

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

302.10: EVACUATION OF ON-SALE ESTABLISHMENTS:

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

302.11: SALE OUTSIDE OF STRUCTURE ON LICENSED PREMISES:

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

- A. **Application:** The licensee shall make written application using forms provided by the city and there shall be a nonrefundable application fee of twenty five dollars (\$25.00) at the time of making application.
- B. **Notice:** The owners of all property adjacent to the licensed premises will be

given written notice of the fact that such an application has been made and of the date and time of the City Council meeting at which the application will be considered by the City Council.

- C. Endorsement: The City Council may, in its discretion, issue such an endorsement or refrain from issuing such an endorsement and may impose conditions to the endorsement such as, but not limited to, screening, time of day limitations and noise limitations. (Ord. 972, 5-13-1985)

302.12: ON-SALE OF INTOXICATING MALT LIQUOR:

This section moved to 302.02 (E). (Ord 1614, 07-11-2022)

302.13: OFF-SALE LICENSE REGULATIONS:

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

- A. Number of Off-Sale Liquor Licenses:
 - 1. The number of Off-sale Liquor Licenses which may be issued is 10.
 - 2. The number of Off-sale Brewery Malt Liquor Licenses is not limited.
 - 3. The number of Off-Sale Microdistillery Licenses is not limited. (Ord. 1406, 4-25-2011) (Ord.----, 6-8-2015)
- B. Use of License: If a license is not used within one year, the license shall automatically terminate.
- C. Size of Premises: A licensed premises shall have at least 1,600 square feet of sales floor space including sales coolers and excluding walk-in storage coolers.
- D. Considerations: In addition to the other requirements of this chapter and applicable state law in determining whether or not to issue an off-sale license for a particular premises, the City Council shall consider all relevant factors relating to the health, safety and welfare of the citizens of the city such as, but not limited to, effect on market value of neighboring properties, proximity to churches and schools and effect on traffic and parking.
- E. Delivery of Alcoholic Beverages; Identification Required: A person authorized to serve, sell, or deliver alcoholic beverages must determine through legitimate proof of identification that all deliveries of wine, beer, and alcoholic beverages are accepted only by eligible persons who are 21 years of age or older.
- F. Delivery Records: Upon any delivery of alcoholic beverages off the licensed premises, the seller, purchaser, and delivery recipient (if other than the purchaser) must sign an itemized purchase invoice. The invoice shall detail the time, date, and place of delivery. The licensee must retain the delivery records for a period of one year. The records shall be open to inspection by any police officer or other designated officer or employee of the city at any time. (Ord. 1243, 11-27-2000)
- G. Off-Sale Brewery Malt Liquor Sunday Sales: Subject to all other regulations and restrictions contained in this Chapter and Minnesota Statutes sections 340A.24 and 340.504, Off-sale Brewery Malt Liquor licensees may sell malt liquor in growlers, as that term is defined in Minnesota Statutes section 340A.285, at off-sale on Sundays between the hours of 8:00 a.m. and 10:00 p.m.(Ord. ----, 6-8-2015)

302.14: PROHIBITED CONDUCT:

- A. Policy: Certain acts or conduct on premises licensed pursuant to this chapter or licensed pursuant to Minnesota statutes, chapter 340A, are deemed contrary to public welfare and are prohibited and no license issued pursuant to this chapter or licensed pursuant to Minnesota statutes, chapter 340A, may be held or maintained where such acts or conduct is permitted. (Ord. 808, 11-21-1977)
- B. Prohibited Conduct: The prohibited acts or conduct referred to in subsection A of this section are:
 - 1. The employing or use of any person in the sale or service of beverages in or upon the licensed premises where such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
 - 2. The employing or use of the services of any host or hostess while such host or hostess is unclothed or in such attire, costume or clothing as described in subsection B1 of this section.
 - 3. The encouraging or permitting of any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.
 - 4. The permitting of any employee or person to wear or use any device or covering exposed to view which simulates the breast, genitals, anus, pubic hair or any portion thereof.
 - 5. The permitting of any person to perform acts of or acts which simulate:
 - a. With or upon another person, sexual intercourse, sodomy, oral copulation, flagellation or any sexual acts which are prohibited by law.
 - b. Masturbation or bestiality.
 - c. With or upon another person the touching, caressing or fondling of the buttocks, anus, genitals or female breast.
 - d. The displaying of the pubic hair, anus, vulva, genitals or female breasts below the top of the areola.
 - 6. The permitting of any person to use artificial devices or inanimate objects to depict any of the prohibited activities described in subsections B5a through B5d of this section.
 - 7. The permitting of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.
 - 8. The permitting or showing of film, still pictures, electronic reproductions or other reproductions depicting:
 - a. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
 - b. Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
 - c. Scenes wherein a person displays the vulva, or the anus or the genitals.
 - d. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the activities described in subsections B1 through B7 of this section.
- C. Revocation of License: Any license issued pursuant to this chapter, licensed pursuant to Minnesota statutes, chapter 340A, shall be revoked if any of the acts

of conduct described in this section occur on the licensed premises. (Ord. 808, 11-21-1977; amd. 1995 Code)

302.15: CIVIL PENALTY:

- A. **Penalty For Noncompliance:** In addition to any criminal penalties which may be imposed by a court of law, the City Council may suspend a license for up to 60 days, may revoke a license and/or may impose a civil fine on a licensee not to exceed \$2,000.00 for each violation on a finding that the license holder or its employee has failed to comply with a statute, rule or ordinance relating to alcoholic beverages, non-intoxicating malt liquor or wine.
- B. **Minimum Penalty:** The purpose of this section is to establish a standard by which the City Council determines the civil fine, the length of license suspensions and the propriety of revocations, and shall apply to all premises licensed under this chapter. These penalties are presumed to be appropriate for every case; however, the council may deviate in an individual case where the council finds that there exist certain extenuating or aggravating circumstances, making it more appropriate to deviate, such as, but not limited to, a licensee's efforts in combination with the state or city to prevent the sale of alcohol to minors or, in the converse, when a licensee has a history of repeated violations of state or local liquor laws. When deviating from these standards, the council will provide written findings that support the penalty selected. When a violation occurs, the staff shall provide information to the City Council to either assess the presumptive penalty or depart upward or downward based on extenuating or aggravating circumstances. The staff shall notify the licensee of the information being considered and acted upon by the City Council.

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

(Ord. 1408, 5-16-2011)

OFF SALE - Type of Violation	1st Violation	2nd Violation	3rd Violation	4th Violation
Sale of alcoholic beverage to a person under the age of 21	\$1,000 and 0 day suspension	\$2,000 and 3 day suspension	\$2,000 and 7 day suspension	Revocation
Sale of alcoholic beverage to an obviously intoxicated person	\$1,000 and 1 day suspension	\$2,000 and 3 day suspension	\$2,000 and 7 day suspension	Revocation
Refusal to allow City inspectors or police admission to premises	\$1,000 and 3 day suspension	\$2,000 and 7 day suspension	Revocation	N/A
After hours sale, possession by a patron or consumption of alcoholic beverages	\$1,000 and 3 day suspension	\$2,000 and 7 day suspension	Revocation	N/A
Illegal gambling on premises	\$1,000 and 3 day suspension	\$2,000 and 7 day suspension	Revocation	N/A
Sale of alcoholic beverages while license is under suspension	30 day suspension	Revocation	N/A	N/A
Commission of a felony related to licensed activity	Revocation	N/A	N/A	N/A

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

(Ord. 1408, 5-16-2011)

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

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

(Ord. 1390, 3-29-2010) (Ord. 1422, 11-28-2011)

C. Hearing and Notice: If, after considering the staff's information, the City Council proposes to suspend, revoke or not renew a license, the licensee shall be

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

CHAPTER 303
AMUSEMENT DEVICES; AREAS AND GAMEROOMS

Chapter 303 Repealed (Ord 1581, 3-9-2020)

CHAPTER 304

LAWFUL GAMBLING

SECTION:

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

304.01: LAWFUL GAMBLING PERMITTED:

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

- A. Is licensed by the Minnesota Gambling Control Board.
 - B. Complies with all of the provisions of this Chapter.
- (Ord. 1114, 8-24-1992) (Ord. 1518, 3-13-2017)

304.02: NUMBER OF LICENSES AND PERMITS:

- A. No organization licensed pursuant to Minnesota Statutes Chapter 349 may conduct lawful gambling at more than three locations within the city.
 - B. The maximum number of premises permits issued pursuant to Minnesota Statutes Chapter 349 shall be twelve. Gambling activities shall be confined to the types defined and regulated under Minnesota Statutes Chapter 349.
 - C. An organization in existence and qualified under section 501(c)7 or section 501(c)19 of the internal revenue code and which had its principal place of business or place of conducting meetings in the City prior to and continuing since 1980 may be granted a premises permit to conduct all lawful gambling operations on their own premises.
- (Ord. 1138, 4-25-1994) (Ord. 1412, 7-11-2011) (Ord. 1518, 3-13-2017)

304.03: APPROVAL OF LICENSES:

- A. Required Documentation: Any organization applying to the Gambling Control Board for a premises permit or for the renewal of the same to conduct lawful gambling in the city shall, within ten days of making such application, file a copy of all application materials submitted to the State.
- B. Investigation: Upon receipt of the materials required by subsection A of this section, City staff shall investigate the applicant and based upon said investigation, the City Council shall act on the application.

- C. Resolution: The action of the City Council to approve an application for a premises permit within the city shall be by resolution. Failure to receive a majority affirmative vote of the City Council shall constitute a denial of the application.
- D. Additional Documents: Copies of any other reports or documents which are required to be subsequently filed by such organization with the Gambling Control Board, including monthly financial statements, shall be filed with the City within ten days of filing such materials with the Gambling Control Board.
- E. Compliance: to assure compliance with this Chapter, the City may require a premises permit holder to provide copies of records as allowed under Minnesota Statutes.
- F. Suspension: Approval of a premises permit issued by the City under any part of this Chapter may be suspended by the City for violation of Chapter or revoked or any renewal delayed, for failure to meet the qualifications set out in subsection A or a willful violation of any part of this Chapter or a failure to comply, for any reason, with any provision, guarantee or claim made in an applicant's original license application to either the City or the State of Minnesota.
- G. Liability of City: No license or permit issued by the City grants the licensee a property right or entitlement to the license or permit. The City may not issue, renew nor revoke the license or permit for any reason and will not incur liability for any damages including, but not limited to, direct, consequential or incidental damages, deprivation of property, loss of income, loss of profits or loss of livelihood.
(Ord. 1114, 9-24-92) (Ord. 1327, 10-10-05) (Ord. 1518, 3-13-2017)

304.04: CONTRIBUTIONS:

- A. Each organization conducting lawful gambling within the City shall contribute at least 10% of its net profits derived from lawful gambling in the City to a Fund administered and regulated by the City. This contribution shall be for the purposes defined in Minnesota Statutes Chapter 349. Except for disbursements for police, fire, and other emergency or public safety-related services, as provided for in Minnesota Statutes Chapter 349, which shall be made directly from the Fund by action of the City Council, the City then shall make disbursements from the Fund to the Roseville Area Community Foundation a Minnesota nonprofit corporation, which shall maintain the funds for further disbursement as charitable contributions. The City's directive to the Roseville Area Community Foundation as to the use of the funds shall be provided for in a written formal agreement executed between the City and the Foundation, and approved by the City Council, as amended from time to time. (Ord. 1327, 10-10-05) (Ord. 1412, 7-11-2011)
- B. The Roseville Area Community Foundation shall provide an annual report to the City Council in writing and by oral presentation, outlining the financial condition of the City funds, including changes since the previous report, and the names of the recipients, purposes, and, as available, outcomes of charitable contributions from the City funds since the previous report.
- C. Excluding amounts contributed to the Roseville Community Fund, 90% of the remaining net profits shall be expended in the City's trade area as defined in Mn Statutes 349.213, subd. 1(g). Roseville's trade area includes: Roseville, Arden

Hills, Falcon Heights, Lauderdale, Little Canada, Maplewood, Minneapolis, New Brighton, St. Anthony, St. Paul, and Shoreview. (Ord. 1537, 12-11-2017)

- D. In the event any organization contributes to the City any sum in excess of the 10% as required in subsection A above, said funds will be deposited and allocated to the Roseville Area Community Foundation as set forth in subsection A above. (Ord. 1114, 9-24-92) (Ord. 1412, 7-11-2011) (Ord. 1506 08-08-16) (Ord. 1518, 3-13-2017)

304.05: LAW ENFORCEMENT AND ADMINISTRATIVE COSTS:

All organizations conducting lawful gambling within the City shall, within 30 days of the end of each month, pay to the City an amount up to 3%, as established by the Fee Schedule of the gross receipts from lawful gambling conducted in the City in such month, less amounts actually paid for prizes, to cover the City's law enforcement and administrative costs in regulating lawful gambling. (Ord. 1114, 9-24-92) (Ord. 1518, 3-13-2017)

304.06: GAMBLING EXEMPT FROM STATE LICENSING REQUIREMENTS:

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

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

CHAPTER 306

CIGARETTE AND TOBACCO PRODUCTS

SECTION:

- 306.01: Findings of Fact and Purpose
 - 306.02: Definitions
 - 306.03: License Required
 - 306.04: Fees
 - 306.05: Basis for Denial of a License
 - 306.06: Prohibited Sales
 - 306.07: Responsibility
 - 306.08: Compliance Checks
 - 306.09: Violations and Penalties
 - 306.10: Exceptions and Defenses
 - 306.11: Severability
 - 306.12: Effective Date
- (Ord. 1597, 02-08-2021)

306.01: FINDINGS OF FACT AND PURPOSE:

Because the city recognizes that the sale of commercial tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products to persons under the age of 21 violates both state and federal law; and because studies, which the city accepts and adopts, have shown that high school use of any commercial tobacco product has increased to 27.6% in Minnesota; and because nearly 90% of people who smoke begin smoking before they have reached the age of 18 years, and that almost no one starts smoking after age 25; and because marketing analysis, public health research, and commercial tobacco industry documents reveal that tobacco companies have used menthol, mint, fruit, candy, and alcohol flavors as a way to target youth and young adults and that the presence of such flavors can make it more difficult to quit; and because studies show that youth and young adults are especially susceptible to commercial tobacco product availability, advertising, and price promotions at tobacco retail environments; and because commercial tobacco use has been shown to be the cause of many serious health problems which subsequently place a financial burden on all levels of government, this ordinance is intended to regulate the sale of commercial tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products for the purpose of enforcing and furthering existing laws, to protect youth and young adults against the serious health effects associated with use and initiation, and to further the official public policy of the state to prevent young people from starting to smoke, as stated in Minn. Stat. § 144.391, as it may be amended from time to time.

In making these findings, the City Council accepts the conclusions and recommendations of: the U.S. Surgeon General reports, E-cigarette Use Among Youth and Young Adults (2016), The Health Consequences of Smoking — 50 Years

of Progress (2014) and Preventing Tobacco Use Among Youth and Young Adults (2012); the Centers for Disease Control and Prevention in their studies, Tobacco Use Among Middle and High School Students — United States, 2011– 2015(2016), and Selected Cigarette Smoking Initiation and Quitting Behaviors Among High School Students, United States, 1997(1998); and of the following scholars in these scientific journals: Chen, J., & Millar, W. J. (1998). Age of smoking initiation: implications for quitting. *Health Reports*, 9(4), 39-46; D’Avanzo, B., La Vecchia, C., & Negri, E. (1994). Age at starting smoking and number of cigarettes smoked. *Annals of Epidemiology*, 4(6), 455–459; Everett, S. A., Warren, C. W., Sharp, D., Kann, L., Husten, C. G., & Crossett, L. S. (1999). Initiation of cigarette smoking and subsequent smoking behavior among U.S. high school students. *Preventive Medicine*, 29(5), 327–333; Giovino, G. A. (2002). Epidemiology of tobacco use in the United States. *Oncogene*, 21(48), 7326–7340; Khuder, S. A., Dayal, H. H., & Mutgi, A. B. (1999). Age at smoking onset and its effect on smoking cessation. *Addictive Behaviors*, 24(5), 673–677; Luke, D. A., Hammond, R. A., Combs, T., Sorg, A., Kasman, M., Mack-Crane, A., Henriksen, L. (2017). Tobacco Town: Computational Modeling of Policy Options to Reduce Tobacco Retailer Density. *American Journal of Public Health*, 107(5), 740–746; Minnesota Department of Health. (2020). Data Highlights from the 2019 Minnesota Youth Tobacco Survey. Saint Paul, MN; Tobacco Control Legal Consortium. (2006). *The Verdict Is In: Findings from United States v. Philip Morris, The Hazards of Smoking*. University of California San Francisco. Truth Tobacco Industry Documents, <https://www.industrydocumentslibrary.ucsf.edu/tobacco>; Xu, X., Bishop, E. E., Kennedy, S. M., Simpson, S. A., & Pechacek, T. F. (2015) Annual healthcare spending attributable to cigarette smoking: an update. *American Journal of Preventive Medicine*, 48(3), 326–333, copies of which are adopted by reference. (Ord. 1597, 02-08-2021), (Ord. 1555, 6-18-2018)

306.02 DEFINITIONS:

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

AGE-RESTRICTED TOBACCO RETAILER: An Retail Establishment licensed under this Chapter which:

1. Prohibits persons under 21 from entering at all times;
2. Derives at least 90 percent of their gross revenues from the sale of licensed products;
3. Meets all of the following building or structural criteria:
 - a. Shares no wall with, and has no part of their structure adjoined to any other business or retailer, unless the wall is permanent, completely opaque, and without doors, windows, and pass-throughs to the other business or retailer;
 - b. Shares no walls with, and has no part of their structure directly adjoined to, another licensed tobacco retailer;
 - c. Is accessible by the public only by an exterior door; and
 - d. Is licensed under this ordinance and meet these building or structural criteria as of February 8, 2021

(Ord. 1597, 02-08-2021)

CHILD-RESISTANT PACKAGING. Packaging that meets the definition set forth in Code of Federal Regulations, title 16, section 1700.15(b), as in effect on January 1, 2015, and was tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2015. (Ord. 1597, 02-08-2021)

CIGAR: Any roll of tobacco that is wrapped in tobacco leaf or in any other substance containing tobacco, with or without a tip or mouthpiece, which is not a cigarette as defined in Minn. Stat. § 297F.01, subd. 3, as it may be amended from time to time. (Ord. 1597, 02-08-2021)

COMPLIANCE CHECKS: The system the city uses to investigate and ensure that those authorized to sell Licensed Products are following and complying with the requirements of this ordinance. Compliance checks involve the use of persons under the age of 21 who purchase or attempt to purchase Licensed Products. Compliance checks may also be conducted by the city or other units of government for educational, research and training purposes or for investigating or enforcing federal, state or local laws and regulations relating to Licensed Products. (Ord. 1555, 6-18-2018) (Ord. 1597, 02-08-2021)

ELECTRONIC DELIVERY DEVICE. Any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic delivery device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act. (Ord. 1597, 02-08-2021)

FLAVORED PRODUCT. Any Licensed Product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during the consumption of the product, including, but not limited to, any taste or smell relating to chocolate, cocoa, menthol, mint, wintergreen, vanilla, honey, fruit, or any candy, dessert, alcoholic beverage, herb, or spice. A public statement or claim, whether express or implied, made or disseminated by the manufacturer of a Licensed Product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such products, that a product has or produces a taste or smell other than a taste or smell of tobacco will constitute presumptive evidence that the product is a flavored product. (Ord. 1597, 02-08-2021)

INDOOR AREA. All space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A

wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. (Ord. 1597, 02-08-2021)

LICENSED PRODUCTS. The term that collectively refers to any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product. (Ord. 1597, 02-08-2021)

LOOSIES. The common term used to refer to single cigarettes, cigars, and any other Licensed Product that have been removed from their original retail packaging and offered for sale. Loosies does not include premium cigars that are hand-constructed, have a wrapper made entirely from whole tobacco leaf, and have a filler and binder made entirely of tobacco, except for adhesives or other materials used to maintain size, texture, or flavor. (Ord. 1597, 02-08-2021)

MOVEABLE PLACE OF BUSINESS. Any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions. (Ord. 1597, 02-08-2021)

NICOTINE OR LOBELIA DELIVERY PRODUCT. Any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not a tobacco or an electronic delivery device as defined in this section. Nicotine or lobelia delivery product does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act. (Ord. 1597, 02-08-2021)

RETAIL ESTABLISHMENT: Any place of business licensed under this chapter where Licensed Products are available for sale to the general public. This phrase includes but is not limited to grocery stores, convenience stores, gasoline service stations, pharmacies, bars, and restaurants, but does not include Age-Restricted Tobacco Retailers. (Ord. 1555, 6-18-2018) (Ord. 1597, 02-08-2021)

SELF SERVICE MERCHANDISING: An open display of Licensed Products in any manner where any person has access to the Licensed Products without the intervention of a licensee or licensee’s employee. (Ord. 1555, 6-18-2018) (Ord. 1597, 02-08-2021)

SMOKING: Inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product, whether natural or synthetic, containing, made, or derived from nicotine, tobacco, marijuana, or other plant, that is intended for inhalation. Smoking also includes carrying or using an activated electronic delivery device. (Ord. 1555, 6-18-2018)

TOBACCO: Any product 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, including but not limited to cigarettes, cigars,

cheroots, stogies, perique, granulated, plug cut, crimp cut, ready, rubbed and other smoking tobacco, snuff, snuff flower, Cavendish, plug and twist tobacco, fine cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco prepared in such manner as to be suitable for chewing, sniffing or smoking in a pipe, rolling paper or other tobacco related devices. "Tobacco" also means electronic delivery devices and any component or accessory used in the consumption of to a tobacco product, such as filters, rolling papers, pipes and liquids used in electronic smoking devices, whether or not they contain nicotine. Tobacco does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as "drugs," "devices," or "combination products," as defined in the Federal Food, Drug, and Cosmetic Act. (Ord. 1424 02-13-12) (Ord. 1455, 10-21-13) (Ord. 1555, 6-18-2018) (Ord. 1597, 02-08-2021)

TOBACCO-RELATED DEVICE: Any pipe, rolling papers, or other device intentionally designed or intended to be used with tobacco products. Tobacco-related device includes components of tobacco-related devices which may be marketed or sold separately. Tobacco-related devices may or may not contain tobacco. (Ord. 1555, 6-18-2018) (Ord. 1597, 02-08-2021)

VENDING MACHINE: Any mechanical, electric or electronic, or other type of device that dispenses Licensed Products upon the insertion of money, tokens or other form of payment directly into the machine by the person seeking to purchase the Licensed Product. (Ord. 1555, 6-18-2018) (Ord. 1597, 02-08-2021)

306.03 LICENSE REQUIRED:

- A. License Required. No person shall keep for retail sale, sell, or offer to sell at retail any licensed product as defined in this Chapter without first having obtained a license to do so from the city. (Ord. 1133, 1-24-94) (Ord. 1555, 6-18-2018) (Ord. 1597, 02-08-2021)
- B. Application. An application for a license to sell Licensed Products must be made on a form provided by the city. The application must contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city deems necessary. Upon receipt of a completed application, the City Clerk will forward the application to the City Council for action at its next regularly scheduled meeting. If the City Clerk determines that an application is incomplete, it will be returned to the applicant with notice of the information necessary to make the application complete. (Ord. 1597, 02-08-2021)
- C. Action. The City Council may approve or deny the application for a license, or it may delay action for a reasonable period of time to complete any investigation of the application or the applicant deemed necessary. If the City Council approves the application, the City Clerk

will issue the license to the applicant. If the City Council denies the application, notice of the denial will be given to the applicant along with notice of the applicant's right to appeal the decision. (Ord. 1597, 02-08-2021)

- D. Term. Licenses issued are valid from July 1-June 30. (Ord. 1597, 02-08-2021)
- E. Revocation or suspension. Any license issued may be suspended or revoked following the procedures set forth in Section 306.09. (Ord. 1597, 02-08-2021)
- F. Transfers. All licenses issued are valid only on the premises for which the license was issued and only for the person to whom the license was issued. The transfer of any license to another location or person is prohibited. (Ord. 1597, 02-08-2021)
- G. Moveable place of business. No license will be issued to a moveable place of business. Only fixed-location businesses are eligible to be licensed. (Ord. 1597, 02-08-2021)
- H. Display. All licenses must be posted and displayed at all times in plain view of the general public on the licensed premises. (Ord. 1597, 02-08-2021)
- I. Renewals. The renewal of a license issued under this ordinance will be handled in the same manner as the original application. The request for a renewal must be made at least 30 days, but no more than 60 days, before the expiration of the current license. (Ord. 1597, 02-08-2021)
- J. Issuance as privilege and not a right. The issuance of a license is a privilege and does not entitle the license holder to an automatic renewal of the license. (Ord. 1597, 02-08-2021)
- K. Smoking is prohibited within the indoor area of any retail establishment licensed under this ordinance. Smoking for the purpose of sampling Licensed Products is prohibited. (Ord. 1424, 02-13-12) (Ord. 1555, 6-18-2018) (Ord. 1597, 02-08-2021)
- L. Samples prohibited. No person shall distribute samples of any Licensed Product free of charge or at a nominal cost. (Ord. 1597, 02-08-2021)
- M. The number of licenses issued under this Chapter to Age-Restricted Tobacco Retailers shall not exceed four (4) at any time. The number of licenses issued under this Chapter to Retail Establishments shall not be limited. (Ord. 1597, 02-08-2021)
- N. Any Age Restricted Tobacco Retailer that sells flavored products must provide financial records documenting its annual sales, upon request by the city. (Ord. 1597, 02-08-2021)

306.04 FEES

No license will be issued under this ordinance until the appropriate license fees are paid in full. The fees will be established by the city's fee schedule and may be amended from time to time. (Ord. 1133, 1-24-94) (Ord. 1555, 6-18-2018) (Ord. 1597, 02-08-2021)

306.05 BASIS FOR DENIAL OF A LICENSE

A. Grounds for denying the issuance or renewal of a license include, but are not limited to, the following: (Ord. 1597, 02-08-2021)

1. The applicant is under 21 years of age.
2. The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to Licensed Products.
3. The applicant has had a license to sell Licensed Products suspended or revoked within the preceding 12 months of the date of application.
4. The applicant fails to provide any of the information required on the licensing application, or provides false or misleading information.
5. The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license.

B. Except as may otherwise be provided by law, the existence of any particular ground for denial does not compel the city to deny the license. (Ord. 1597, 02-08-2021)

C. If a license is mistakenly issued or renewed to a person, it will be revoked upon the discovery that the person was ineligible for the license under this ordinance. The city will provide the license holder with notice of the revocation, along with information on the right to appeal. (Ord. 1597, 02-08-2021)

306.06 PROHIBITED SALES:

A. In general. No person shall sell or offer

B. or to sell any Licensed Product:

1. By means of a vending machine. (Ord. 1555, 6-18-2018)
2. By means of loosies as defined.
3. Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. It is not the intention of this provision to ban the sale of lawfully manufactured cigarettes or other products

subject to this ordinance.

4. By self-service merchandizing whereby the customer may have access to those products without having to request the products from the licensee or licensee's employee and whereby there is not a physical exchange of the licensed product between the licensee or licensee's employee and the customer. All Licensed Products must be stored behind the sales counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public. (Ord. 1133, 1-24-94) Provided, however, the requirements of this section shall not apply to Age-Restricted Tobacco Retailers. (Ord. 1555, 6-18-2018)

B. Legal age. No person shall sell any Licensed Product to any person under the age of 21.

1. Age verification. Licensees must verify by means of government-issued photographic identification containing the bearer's date of birth that the purchaser is at least 21 years of age. Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection.
2. Signage. Notice of the legal sales age, age verification requirement, and possible penalties for underage sales must be posted prominently and in plain view at all times at each location where Licensed Products are offered for sale. The required signage, which will be provided to the licensee by the city, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

C. Flavored products. No person shall sell or offer for sale any flavored products ,except Age-Restricted Tobacco Retailers as herein defined.

D. Liquid packaging. No person shall sell or offer to sell any liquid, whether or not such liquid contains nicotine, which is intended for human consumption and use in an electronic delivery device, in packaging that is not child-resistant. Upon request by the city, a licensee must provide a copy of the certificate of compliance or full laboratory testing report for the packaging used.

(Ord. 1424, 02-13-12) (Ord. 1555, 6-18-2018) (Ord 1597, 02-08-2021)

306.07 RESPONSIBILITY:

All licensees are responsible for the actions of their employees in regard to the sale, offer to sell, and furnishing of Licensed Products on the licensed premises. The sale, offer to sell, or furnishing of any Licensed Product by an employee shall be considered an act of the licensee. Nothing in this section shall be

construed as prohibiting the city from also subjecting the employee to any civil penalties that the city deems to be appropriate under this ordinance, state or federal law, or other applicable law or regulation. (Ord 1597, 02-08-2021) (Ord. 1133, 1-24-94) (Ord. 1555, 6-18-2018)

306.08 COMPLIANCE CHECKS:

All licensed premises shall be open to inspection by Roseville law enforcement or other authorized City officials during regular business hours. From time to time, but at least twice per year, the City shall conduct compliance checks. In accordance with state law, the city will conduct compliance checks that involve the participation of a person at least 17 years of age, but under the age of 21 to enter the licensed premises to attempt to purchase Licensed Products. Prior written consent from a parent or guardian is required for any person under the age of 18 to participate in a compliance check. Persons used for the purpose of compliance checks will be supervised by law enforcement or other designated personnel. Persons used for the purpose of compliance checks shall be supervised by the Chief of Police, or the Chief of Police's designee. No person used in compliance checks shall attempt to use a false identification misrepresenting the person's age and all persons lawfully engaged in a compliance check shall answer all questions about the person's age, asked by the licensee or licensee's employee and shall produce any identification, if any exists, for which the person is asked. Nothing in the subdivision shall prohibit compliance checks authorized by State or Federal laws for educational, research, or training purposes, or required for the enforcement of a particular State or Federal law. (Ord. 1555, 6-18-2018) (Ord. 1597, 2-08-2021)

306.09 VIOLATIONS AND PENALTIES:

A. Violations:

1. Notice. A person violating this ordinance may be issued, either personally or by mail, a citation from the city that sets forth the alleged violation and that informs the alleged violator of his or her right to a hearing on the matter and how and where a hearing may be requested, including a contact address and phone number. (Ord 1597, 02-08-2021)
2. Hearings.
 - a. Upon issuance of a citation, a person accused of violating this ordinance may request in writing a hearing on the matter. Hearing requests must be made within 10 business days of the issuance of the citation and delivered to the City Clerk or other designated city officer. Failure to properly request a hearing within 10 business days of the issuance of the citation will terminate the person's right to a hearing. (Ord 1597, 02-08-2021)
 - b. The City Clerk or other designated city officer will set

the time and place for the hearing. Written notice of the hearing time and place will be mailed or delivered to the accused violator at least 10 business days prior to the hearing. (Ord 1597, 02-08-2021)

3. Hearing Officer. The City Council will designate a hearing officer. The hearing officer will be an impartial employee of the city or an impartial person retained by the city to conduct the hearing. (Ord 1597, 02-08-2021)
4. Decision. A decision will be issued by the hearing officer within 10 business days of the hearing. If the hearing officer determines that a violation of this ordinance did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed, will be recorded in writing, a copy of which will be provided to the city and the accused violator by in-person delivery or mail as soon as practicable. If the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, those findings will be recorded and a copy will be provided to the city and the acquitted accused violator by in-person delivery or mail as soon as practicable. The decision of the hearing officer is final, subject to an appeal as described in section 11, division (A)(6) of this section. (Ord 1597, 02-08-2021)
5. Costs. If the citation is upheld by the hearing officer, the city's actual expenses in holding the hearing up to a maximum of [\$1,000] must be paid by the person requesting the hearing. (Ord 1597, 02-08-2021)
6. Appeals. Appeals of any decision made by the hearing officer must be filed in Ramsey County district court within 10 business days of the date of the decision. (Ord 1597, 02-08-2021)
7. Continued violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense. (Ord 1597, 02-08-2021)

B. Administrative penalties.

1. Licensees. Any licensee found to have violated this ordinance, or whose employee violated this ordinance, will be charged an administrative fine of [\$1,000 for a first violation; [\$2,000] for a second offense at the same licensed premises within a 36-month period; and [\$2,000] for a third or subsequent offense at the same location within a 36-month period. Upon the second violation, the license will be suspended for a period of 3 consecutive days. Upon the third violation, the license will be suspended for a period of 7 consecutive days. . Upon a fourth violation, the license will be revoked. (Ord 1594 12-07-2020) (Ord 1597, 02-08-2021)

2. Other individuals. Individuals, other than persons under the age of 21, who are found to be in violation of this ordinance will be charged an administrative fine of [\$250]. (Ord 1594 12-07-2020) (Ord 1597, 02-08-2021)
 3. Statutory penalties. If the administrative penalty authorized to be imposed by Minn. Stat. § 461.12, as it may be amended from time to time, differ from that established in this section, then the higher penalty will prevail. (Ord 1597, 02-08-2021)
- C. Misdemeanor prosecution. Nothing in this section prohibits the city from seeking prosecution as a misdemeanor for an alleged second violation of this ordinance by a person 21 years of age or older within five years of a previous conviction under the ordinance. (Ord 1597, 02-08-2021)

(Ord. 1555, 6-18-2018)

306.11 SEVERABILITY:

If any such provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any other provision of this ordinance that can be given effect without the invalid provision or application. Each invalid provision or application of this ordinance is severable. (Ord. 1555, 6-18-2018) (Ord 1597, 02-08-2021)

306.12 EFFECTIVE DATE:

This ordinance becomes effective on July 1, 2021, following the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time. (Ord 1597, 02-08-2021)

CHAPTER 307

CONSTRUCTION LICENSES

SECTION:

- 307.01: Licenses Required
- 307.02: Commercial General Contractors
- 307.03: Qualifications
- 307.04: Requirements for Licensure
- 307.05: License Fee
- 307.06: Duration
- 307.07: Issuance
- 307.08: Revocation or Suspension

307.01: LICENSES REQUIRED:

Licensing is required for all residential building and remodeling contractors who provide only one service and all commercial building and remodeling contractors who are not required to have a State license. (1995 Code) Common services requiring licensure include, but are not limited to:

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

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

307.02: COMMERCIAL GENERAL CONTRACTORS:

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

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

307.03: QUALIFICATIONS:

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

307.04: REQUIREMENTS FOR LICENSURE:

- A. Application: A completed and signed application shall be submitted to the Community Development Department on forms furnished by the City of Roseville.
- B. License Fee: Payment of the license fee as established in the City Fee Schedule prior to issuance of such license.
- C. Liability Insurance: Before a contractor license shall be issued, the applicant shall provide a certificate of liability insurance.
- a. Any person holding a license under Section 307.01 shall file with the Community Development Department policies of public liability and property damage which shall remain and be in force and effect during the entire term of said license and which shall contain a provision that they shall not be cancelled without ten days written notice to the City.
- b. Public liability insurance shall not be less than \$50,000.00 for injuries including accidental death to any one person, and subject to the same limit for each person in an amount of not less \$500,000.00 on account of any one accident and property damage insurance in the amount of not less than \$500,000.00 for each accident and not less than \$1,500,000.00 aggregate. No work shall be done under license until said insurance policies shall have been filed and approved by the Codes Coordinator.
- D. Workers' Compensation Insurance: Before a contractor license shall be issued, the applicant shall file with the City a certificate indicating statutory workers' compensation coverage or evidence of self-insured status approved by the State of Minnesota. (Ord. 1098, 8-12-1991)

307.05: LICENSE FEE:

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

307.06: DURATION:

All Contractor Licenses issued under this Chapter are effective upon issuance and expire one year (365 days) from date of issuance. (Ord. 1525 04-24-2017)

307.07: ISSUANCE:

Notwithstanding Section 301.02 of City Code, the Codes Coordinator or his/her designee may issue a license under this Chapter upon satisfaction of all requirements contained herein.

307.08: REVOCATION OF SUSPENSION:

The City Council may suspend or revoke any license for violation of this Code or any State or Federal statute or regulation after following applicable statutory provisions and where none, after reasonable notice and a due process hearing. (1995 Code). The Council may also suspend or revoke the license of any person licensed under this Code who violates any of its provisions or whose work is found to be improper, defective or so unsafe as to jeopardize life or property. (Ord.1499, 5-1-2016)

CHAPTER 308

CONVERSATION PARLORS

SECTION:

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

308.01: DEFINITIONS:

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

308.02: LICENSE REQUIRED:

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

308.03: LICENSE FEE:

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

308.04: APPLICATION:

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

¹ See Section 301.03 of this Title for license fees.

308.05: GRANTING, DENYING OR REVOCATION OF LICENSES:

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

308.06: CONSTRUCTION AND MAINTENANCE REQUIREMENTS:

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

308.07: INSPECTION:

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

308.08: IDENTIFICATION:

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

308.09: BUSINESS HOURS:

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

308.10: RULES AND REGULATIONS:

- A. License shall be granted only to establishments which meet the safety and sanitary requirements of the applicable building, housing, health and safety code regulations of the City and the State of Minnesota.
- B. It shall be grounds for denial or revocation of a license if the applicant or persons in applicant's employ violate City ordinances or the laws of the State of Minnesota on the premises.
- C. It shall be grounds for rescinding a license granted to any person under this Chapter if the owner, manager, lessee or any of the employees are found to be in control or possession of any alcoholic beverage or of a narcotic drug or controlled substance on the premises, the possession of which is illegal as defined by Minnesota Statutes¹ or by rules of the City Code.
- D. All employees and customers of the establishment shall at all times have their breasts, buttocks, genitals and anus covered by a nontransparent material. (Ord. 793, 9-20-76)

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

CHAPTER 309

MASSAGE THERAPY

SECTION:

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

309.01: DEFINITIONS:

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

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

MASSAGE THERAPIST: A person who practices massage therapy.

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

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

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

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

309.02: LICENSE FOR MASSAGE THERAPY ESTABLISHMENT:

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

Schedule in Section 314.05. (Ord. 1329, 11-14-05)

309.03: GRANTING, DENYING OR REVOKING OF MASSAGE THERAPY ESTABLISHMENT LICENSES:

- A. Zoning Compliance: Massage Therapy Establishment licenses may be granted only to establishments associated with and operating within the confines of and incidental to a properly zoned beauty parlor (salon), health club, office, shopping mall, or similar areas open to the public. (Ord. 1329, 11-14-05)
- B. Building, Safety and Sanitation Regulations: Licenses may be denied, revoked, or not renewed if the premises of the massage therapy establishments do not meet the requirements of the City Council, and of the building, safety and sanitation regulations of the City and State.
- C. Fraud or Deception: Licenses may be denied, revoked, or not renewed if there is any fraud or deception involved in the license application.
- D. Compliance with Laws: Licenses may be denied, revoked, or not renewed if the applicant, licensee, or employee, contractor, or agent of the same fails to comply with federal, state, or local laws which apply to health, safety or moral turpitude. (Ord 1607, 11-08-2021)
- E. Additional Conditions: The City Council may attach such reasonable conditions to the license as it, in its sole discretion, deems to be appropriate. (Ord. 1142, 6-13-1994) (Ord. 1283, 6-16-03)
- F. Unlicensed Operators: No Massage Therapy Establishments may permit any person to conduct massage therapy on the licensed premises who is not fully licensed under this Chapter as a Massage Therapist. (Ord 1607, 11-08-2021)
- G. Total Licenses: After November 9, 2021, no new Massage Therapy Establishment licenses shall be issued and no Massage Therapy Establishment licenses shall be reinstated following denial, revocation, or non-renewal unless fewer than twenty-five (25) total Massage Therapy Establishment licenses exist in the City. Thereafter, the total Massage Therapy Establishment licenses in the City shall not exceed twenty-five (25) at any one time. (Ord 1607, 11-08-2021)

309.04: LICENSE FOR MASSAGE THERAPISTS:

- A. Application for License: Any person desiring to be licensed as a massage therapist shall file an application on forms provided by the City Manager. The application shall contain such information as the City Manager may require, including: (Ord. 1329, 11-14-05)
 - 1. The applicant's full name, address, social security number and written proof of age.
 - 2. The name and address of the licensed massage therapy establishment by which the applicant expects to be employed.
 - 3. A statement concerning whether the person has been convicted of or entered a plea of guilty to any crime or ordinance violation and, if so, information as to the time, place and nature of such crime or offense.
 - 4. Proof that the applicant meets the following educational requirements:
 - a. A diploma or certificate of graduation from a school approved by the American Massage Therapist Association or other similar reputable massage association; or

b. A diploma or certificate of graduation from a school which is either accredited by a recognized educational accrediting association or agency or is licensed by the State or local government agency having jurisdiction over the school.

c. Each applicant shall also furnish proof at the time of application of a minimum of 600 hours of successfully completed course work in the following areas:

- (1) The theory and practice of massage, including, but not limited to, Swedish, Esalen, Shiatsu and/or foot reflexology techniques; and
- (2) Anatomy, including, but not limited to, skeletal and muscular structure and organ placement; and
- (3) Hygiene.

- B. Fee: The annual license fee for a massage therapist is as established by the City Fee Schedule in Section 314.05. Ord. 1329, 11-14-05)
- C. Review of Application: Notwithstanding Section 301.02 of City Code, License applications shall be reviewed and decided upon by the City Manager or designee and shall include a review by the Police Department.
- D. Denial of Application: The license application may be denied for any of the following reasons:
1. Fraudulent Statements: The application contains false, fraudulent, or deceptive statements.
 2. Prior Conviction: The applicant has been convicted of or entered a plea of guilty within the previous three years to a violation of this Chapter or of any other law regulating the practice of massage, or of any law prohibiting criminal sexual conduct, prostitution, pandering, indecent conduct or keeping of a disorderly house.
 3. Noncompliance: The applicant has not complied with a provision of this Chapter.
 4. Underage: The applicant is less than eighteen (18) years of age. (Ord. 1142, 6-13-94)
 5. Prior Denial, Revocation, or Suspension: The applicant has had a massage therapist license denied, revoked, or suspended in another jurisdiction.

309.05: DENYING, OR REVOCATION OF MASSAGE THERAPIST LICENSES:

A massage therapist license may be denied or revoked for any of the following reasons:

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

309.06: RESTRICTIONS AND REGULATIONS:

- A. Display of License: Any person registered as a massage therapist hereunder shall display such license, or a true copy thereof, in a prominent place at such person's place of employment.
- B. Identification: Upon demand of any police officer at the place of employment, any person licensed hereunder shall produce correct identification, identifying himself/herself by his/her true legal name and correct address.
- C. Inspection: During business hours, all massage therapy establishments shall be open to inspection by City Building and License Inspectors, Health Officers and police officers.
- D. Therapist, Change of Location: Any person licensed hereunder shall practice massage only at such location or locations as are designated in the license. Any person registered hereunder shall inform the City Manager, in writing, of any change in location prior to its occurrence.
- E. Hours: No customers or patrons shall be allowed to enter or remain on the licensed premises after 9:00 P.M. or before 8:00 A.M. daily.
- F. Alcohol or Drugs Prohibited: No beer, liquor, narcotic drug or controlled substance, as such terms are defined by State statutes or the City Code shall be permitted on licensed premises.
- G. Violation of Building, Safety or Health Regulations: Violation of any law or regulation relating to building, safety or health shall be grounds for revocation or any license.
- H. Locks on Doors: There shall be no locks on doors of massage rooms.
- I. Appropriate Covering Required:
 - 1. Patron: Whenever a massage is given, it shall be required by the massage therapist that the person who is receiving the massage shall have her breasts and his/her buttocks and genitals covered with a nontransparent material. For purposes of receiving a chair massage, patrons must stay fully-clothed at all times. (Ord. 1329, 11-14-05)
 - 2. Therapist: Any massage therapists performing any massages shall at all times have her breasts and his/her buttocks and genitals covered with a nontransparent material. (Ord. 1142, 6-13-94)
- J. With the exception of chair massages, all other types of massages shall take place in a private room subject to the conditions and restrictions noted above. (Ord. 1329, 11-14-05) (Ord. 1529, 6/19/2017)

309.07: VIOLATIONS, PENALTY:

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

CHAPTER 310

MISCELLANEOUS LICENSE SECTION

Section:

310.01: License Required

310.01: LICENSE REQUIRED:

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

- A. Firearm Sales: Businesses in which any handgun, rifle, shotgun or similar firearm is sold. (Ord 1581, 3-9-2020)
- B. Veterinary Hospital: A facility for the care and treatment of animals within the City. (Ord. 597, 4-28-69; amd. 1995 Code)
- C. Gasoline Stations: Any place, building, pump or device maintained and used for the main purpose of selling or dispensing gasoline or other oils for use in motor vehicles of any kind.
- D. Private Gasoline Pumps: Pumps from which gasoline or other fuel for internal combustion engines is dispensed into a vehicle for private use and not sold to the public.
- E. Temporary Overnight Shelter: An area specifically designated within a place of assembly for the purpose of overnight housing of individuals on a temporary basis subject to the following conditions:
 - 1. A telephone or other means of communication shall be provided within 50 feet of the area being used for temporary shelter.
 - 2. Emergency responders (police and fire departments) shall be notified of the use of the buildings for temporary shelter.
 - 3. Inspections of the entire shelter will be conducted by building inspectors and fire inspectors as follows:
 - a. At least once within the five days prior to the beginning of the licensed period, and
 - b. At least once during the licensed period.
 - 4. Smoke alarms shall be provided in each room used for sleeping purposes and in areas giving access to rooms (i.e. hallways or corridors). The smoke alarms are required to be 120-volt, hard-wired, with battery back-up. Smoke detectors connected to automatic fire alarm systems could be used in lieu of single station smoke alarms.
 - 5. At least one portable fire extinguisher with a rating of 2A-10BC shall be located within 75 feet of the area used for sleeping purposes.
 - 6. No Smoking, cooking, candles, or open flames are allowed in the rooms used for sleeping purposes.

7. An evacuation diagram or map shall be posted in each room used for sleeping purposes.
8. Awake and alert adult chaperones or volunteers shall be present whenever the spaces are being used for sleeping purposes.
9. The building being used shall meet the Minnesota State Fire Code requirements for an existing Group A-3 (assembly) occupancy.
10. The area or rooms used for sleeping purposes shall be located on the level of exit discharge (i.e. the main level or a level that has exits to grade level). Up to three steps (or risers) are allowed. If these rooms cannot be located on the level of exit discharge, other levels can be used (i.e. basements or second stories) if the area or space:
 - a. Has two remote means of egress from the space, and
 - b. Is protected with smoke detection connected to an automatic fire alarm system throughout the building.
 - c. In lieu of the automatic fire alarm system, automatic fire sprinkler protection throughout the building is acceptable.
11. The area used for sleeping purposes shall have access to two or more egress doors to the exterior.
12. If the area being used for sleeping purposes utilizes a hallway or corridor, the hallway or corridor is required to be one-hour fire-rated, the building is required to be protected with automatic sprinklers throughout, or the means of egress system is protected with smoke detectors connected to an automatic fire alarm system.
13. A maximum of 24 persons may be housed in the temporary shelter at one time, not including staff, volunteers or chaperones.
14. The maximum number of weeks per year to be used as a temporary shelter is four.
15. The area used for sleeping purposes shall have Carbon Monoxide (CO) detection in the sleeping areas.
16. In addition to the requirements noted in this Section, license issuance shall be in accordance with City Code Section 301.01-301.09, except that the City Council may elect to issue the license for a period of time exceeding that stated in Section 301.06 based upon performance of the licensee in prior years. (Ord. 1576, 08-26-2019)

CHAPTER 311

PAWNBROKERS AND PRECIOUS METAL DEALERS

SECTION:

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

311.01: PURPOSE:

The City Council finds that pawnbrokers and precious metal dealer regulation is appropriate because such activities provide an opportunity for the commission of crimes and their concealment because such businesses have the ability to receive and transfer stolen property easily and quickly. The City Council also finds that consumer protection regulation of such activities is warranted because customers of such businesses frequently seek their services during times of desperate financial circumstances.

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

311.02: DEFINITIONS:

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

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

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

ISSUING AUTHORITY: The City of Roseville.

ITEM CONTAINING PRECIOUS METAL: An item made in whole or in part of metal and containing more than one percent (1%) by weight of silver, gold or platinum.

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

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

PAWNSHOP: Any business establishment operated by a pawnbroker.

PERSON: One or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic or nonprofit corporation, a trust, a political subdivision of the state; or any other business organization.

PRECIOUS METAL DEALER: Any person engaging in the business of buying coins or secondhand items containing precious metal, including, but not limited to, jewelry, watches, eating utensils, candlesticks, and religious and decorative objects. Persons conducting the following transactions shall not be deemed to be precious metal dealers:

- A. Transactions at occasional "garage" or "yard" sales, or estate sales or auctions held at the decedent's residence, except that precious metal dealers must comply with the requirements of Minnesota statutes, sections 325F.734 to 325F.742, for these transactions.
- B. Transactions regulated by Minnesota statutes, chapter 80A.
- C. Transactions regulated by the federal commodity futures commission act.
- D. Transactions involving the purchase of precious metal grindings, filings, slag, sweepscraps or dust from an industrial manufacturer, dental lab, dentist or agent thereof.
- E. Transactions involving the purchase of photographic film such as lithographic and x-ray film or silver residue or flake covered in lithographic and x-ray film processing.
- F. Transactions involving coins or bullion in ingots.
- G. Transactions in which the secondhand item containing precious metal is exchanged for a new item containing precious metal and the value of the new item exceeds the value of the secondhand item, except that a person who is a precious metal dealer by engaging in a transaction which is not exempted by this section must comply with the requirements of Minnesota statutes, sections

325F.734 to 325F.742.

- H. Transactions between precious metal dealers if both dealers are licensed under Minnesota statutes, section 325F.733, or if the seller's business is located outside of the state and the item is shipped from outside the state to a dealer licensed under Minnesota statutes, section 325F.733.
- I. Transactions in which the buyer of the secondhand item containing precious metal is engaged primarily in the business of buying and selling antiques and the items are resold in an unaltered condition except for repair, and the items are resold at retail and the buyer paid less than \$2,500.00 for secondhand items containing precious metals purchased within any period of twelve 12 consecutive months.

PRECIOUS METALS: Silver, gold or platinum.

REDEMPTION PERIOD: The date by which an item of property that has been pawned must be redeemed by the pledger without risk that the item will be sold. Such date must be a day on which the pawnbroker or precious metal dealer is open for regular business.

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

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

311.03: LICENSE REQUIRED:

No person shall exercise, carry on or be engaged in the trade or business of pawnbroker or precious metal dealer within the city unless such person is currently licensed under this section to be a pawnbroker or precious metal dealer, respectively. No more than one pawn broker license shall be issued by the City at any time and priority shall be given to qualified applicants for renewal of existing license. (Ord. 1275, 11-18-2002) (Ord. 1414, 9-12-2011)

311.04: APPLICATION FOR LICENSE:

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

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

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

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

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

311.05: INVESTIGATION BY POLICE DEPARTMENT:

- A. Investigation and Report: All applications shall be referred to the police department for verification and investigation of the facts set forth in the application. The police department shall make a written report and recommendation to the City Council as to issuance or non-issuance of the license. The City Council may order and conduct such additional investigation as it deems necessary.
- B. Cost of Investigation; Deposit: An applicant for any license under this section shall deposit with the city, at the time an original application is submitted, \$500.00 to cover the costs involved in verifying the license application and to cover the expense of any investigation needed to assure compliance with this section. If the investigation and verification process is conducted outside the state of Minnesota, the city may require the actual investigation costs not exceeding \$1,500.00. (Ord. 1275, 11-18-2002)

311.06: TERM OF LICENSE AND RENEWALS:

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

311.07: LICENSE FEES:

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

311.075: BILLABLE TRANSACTION FEES:

- A. Licensees shall pay a monthly transaction fee on all billable transactions as set

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

311.076: BOND REQUIRED:

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

311.08: INELIGIBLE PERSONS AND LOCATIONS:

- A. Ineligible Persons: No licenses under this chapter shall be issued to an applicant who is a natural person, general or managing partner, manager, proprietor or agent if such applicant:
 - 1. Is a minor at the time the application is filed;
 - 2. Has been convicted of any offense related to the occupation licensed or involving moral turpitude;
 - 3. Is not a citizen of the United States or a resident alien;
 - 4. Is not of good moral character or repute;
 - 5. Holds an intoxicating liquor license under this code;
 - 6. Has had a pawnbroker or precious metal dealer license revoked elsewhere; or
 - 7. Other good and sufficient reason in the sole discretion of the City Council.
- B. Ineligible Locations: The following locations shall be ineligible for licenses under this chapter:
 - 1. No license shall be granted or renewed for operation on any property on which taxes, assessments or other financial claims of the state, county, school district or city are due, delinquent or unpaid.
 - 2. No license shall be granted or renewed if the property on which the business is to be conducted is owned or controlled by a person who is ineligible for a license.
 - 3. The property is not properly zoned.
- C. Multiple Brokers or Dealers Prohibited: No license shall be issued for multiple pawnbrokers or precious metal dealers at one location. (Ord. 1275, 11-18-2002)

311.09: REQUIREMENTS OF LICENSEES:

- A. Record Keeping: All licensees shall maintain a computerized system for the creation, maintenance, and storage of transactional records regarding licensed activities. At the time of a receipt of an item of property, whether purchased or pawned, the pawnbroker or precious metal dealer shall immediately record, on computer disc or if the computer is temporarily unavailable in a book or journal which has page numbers that are preprinted and in an indelible ink, the

following information:

1. Description of Item: An accurate description of the item of property including, but not limited to, any trademark, identification number, serial number, model number, brand, brand name or other identifying mark on such item;
2. Date and Time: The date and time the item of property was received by the licensee, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records. Transaction identifiers must be consecutively numbered;
3. Description of Person: The name, address, residence phone number, date of birth, and accurate description including: sex, height, weight, race, color of eyes and color of hair of the person from whom the item of property was received;
4. Identification Number: The identification number and state or nation of issue from any of the following forms of identification of the person from whom the item of property was received:
 - a. A valid driver's license;
 - b. A valid state or national picture identification;
5. Price: The price of the item paid and whether the item was purchased or pawned;
6. Fees: A list of all fees and charges which the transaction may be subject to;
7. Statement: A signed statement from the person from whom the item of property is received that there are no liens on the item, that it is not stolen and that the person has the right to sell it.
8. Photograph or Video Recording: The licensee must also take a color photograph or color video recording of:
 - a. Each customer involved in a billable transaction.
 - b. Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed.The photograph taken must be at least two inches in length by two inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the chief of police, or the chief's designee, upon request. The major portion of the photograph must include an identifiable front facial close up of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises. If a video photograph is taken, the video camera must zoom in on the person pawning or selling the item so as to include an identifiable close up of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee must inform the person that he or she is being videotaped orally and by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee must keep the exposed videotape for four months, and furnish it to the police department upon request.
9. Digitized Photographs: Effective 60 days from the date of notification by the police department licensees must fulfill the color photograph requirements by submitting them as digital images, in a format specified by the issuing authority,

electronically cross referenced to the reportable transaction they are associated with.

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

- B. Inspection of Records: The pawnbroker or precious metal dealer shall make available the information required in subsection A of this section at all reasonable times for inspection by the city police department or other representative of the city.

The information required in this section shall be retained by the pawnbroker or precious metal dealer for at least five years. Entries of required digital images shall be retained a minimum of 120 days.

- C. Daily Reports to Police Are Required: The pawnbroker or precious metal dealer shall submit daily to the police department all information required by this section regarding every reportable transaction by transferring it from their computer to the automated pawn system. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority using procedures that address security concerns of the licensees and the issuing authority. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs all patrons that all transactions are reported to the police department daily.

- D. Data Transfer Failures:

1. If a licensee is unable to successfully transfer the required reports by electronic means, the licensee must provide the police department printed copies of all reportable transactions along with the videotape(s) for that date, by 12:00 noon the next business day;
2. If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must provide the required reports and must be charged a \$50.00 reporting failure penalty, daily, until the error is corrected; or
3. If the problem is determined to be outside the licensee's system, the licensee must provide the required reports and resubmit all such transaction via modem when the error is corrected.
4. If a licensee is unable to capture, digitize or transmit the photographs required by this chapter, the licensee must immediately take all required photographs with a still camera, cross reference the photographs to the correct transaction, and make the pictures available to the police department upon request.
5. Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.
6. The police department may, upon presentation of extenuating circumstances by the licensee, delay the implementation of the daily reporting penalty imposed

by this section.

- E. **Police Order to Hold Property:** Whenever the city police department notifies the pawnbroker or precious metal dealer not to sell an item, the item shall not be sold or removed from the licensed premises until authorized to be released by the police department.
- F. **Holding Period of Pawnbrokers:** Any item sold or pawned to a pawnbroker for which a report to the police is required under subsection C of this section shall not be sold or otherwise transferred for 60 days after the date of the sale or pawn. However, an individual may redeem an item pawned 72 hours after the item was received on deposit by the pawnbroker, excluding Sundays and legal holidays.
- G. **Receipt:** The pawnbroker or precious metal dealer shall provide a receipt to the seller or pledger of any item of property received, which shall include:
 - 1. The name, address and phone number of the pawnbroker or precious metal dealer business.
 - 2. The date on which the item was received by the pawnbroker or precious metal dealer.
 - 3. A description of the item received and amount paid to the pledger or seller in exchange for the item pawned or sold.
 - 4. The signature of the pawnbroker or precious metal dealer or agent.
 - 5. The last regular business day by which the item must be redeemed by the pledger without risk that the item will be sold and the amount necessary to redeem the pawned item on that date.
 - 6. The annual rate of interest charged on pawned items received.
 - 7. The name, address, and signature of the seller or pledger.
- H. **Hours of Operation:** No pawnbroker or precious metal dealer shall be open for the transaction of business on any day of the week before 7:00 A.M. or after 10:00 P.M.
- I. **Minors:** The pawnbroker or precious metal dealer shall not purchase or receive personal property of any nature on deposit or pledge from any minor.
- J. **Inspection of Items:** The pawnbroker or precious metal dealer shall at all times during the term of the license allow the city police department to enter the premises where the pawnbroker or precious metal dealer business is located, for the purpose of inspecting such premises and inspecting the items, wares and merchandise therein for the purpose of locating items suspected or alleged to have been stolen or otherwise improperly disposed of.
- K. **License Display:** A license issued under this section must be posted in a conspicuous place in the premises for which it is used. The license issued is only effective for the compact and contiguous space specified in the approved license application.
- L. **Maintenance of Order:** A licensee under this section shall be responsible for the conduct of the business being operated and shall maintain conditions of order.
- M. **Prohibited Goods:** No licensee under this section shall accept any item of property which contains an altered or obliterated serial number or "operation identification" number or any item of property whose serial number has been removed.
- N. **Payment by Check:** Payment of more than \$250.00 by a licensee for any article deposited, left, purchased, pledged or pawned shall be made only by a check, draft, or other negotiable or nonnegotiable instrument which is drawn against

funds held by a financial institution. This policy must be posted in a conspicuous place in the premises.

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

311.10: ALARM SYSTEM REQUIRED:

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

311.11: SUSPENSION OR REVOCATION OF LICENSE:

- A. Violation: The City Council may suspend or revoke a license issued under this chapter upon a finding of a violation of:
 - 1. Any of the provisions of this chapter;
 - 2. any state statute regulating pawnbrokers or precious metal dealers;
 - 3. any state or local law relating to moral character and repute. Any conviction by the pawnbroker or precious metal dealer for theft, receiving stolen property or any other crime or violation involving stolen property shall result in the immediate suspension pending a hearing on revocation of any license issued hereunder.
- B. Notice; Hearing: Except in the case of a suspension pending a hearing on revocation, a revocation or suspension by the City Council shall be preceded by written notice to the licensee and a public hearing. The written notice shall give at least eight (8) days' notice of the time and place of the hearing and shall state the nature of the charges against the pawnbroker or precious metal dealer. The council may, without any notice, suspend any license pending a hearing on revocation for a period not exceeding 30 days. The notice may be served upon the pawnbroker or precious metal dealer by United States mail addressed to the most recent address of the business in the license application. (Ord. 1275, 11-18-2002)

311.12: PROHIBITED ACTS:

- A. No pawnbroker or precious metal dealer licensed under this chapter shall:

1. Lend money on a pledge at a rate of interest above that allowed by law;
2. Possess stolen goods;
3. Sell pledged goods before the time to redeem has expired;
4. Refuse to disclose to the pledger, after having sold pledged goods, the name of the purchaser or the price for which the item sold;
5. Make a loan on a pledge to a minor or purchase property from a minor;
6. Accept for pawn, sale or consignment any article or property if the article or property belongs to another, or if another person has a security interest in the property; or
7. Receive any article or property from a person of unsound mind or an intoxicated person.

B. No person shall:

1. Pawn, pledge, sell, assign, lease or deposit with a pawnbroker or precious metal dealer any article of property not their own, or any article of property in which another person has a security interest.
2. Give false or fictitious name, date of birth, address, telephone number, or identification card to a pawnbroker or precious metal dealer. (Ord. 1275, 11-18-2002)

(Ord. 1319, 04-25-2005)

311.13: ADOPTION OF STATUTES BY REFERENCE:

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

CHAPTER 312

LOCAL LODGING TAX

SECTION:

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

312.01: DEFINITIONS:

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

CITY: The city of Roseville.

DIRECTOR: The Finance Director of the City.

LODGER: The person obtaining lodging from an operator.

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

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

PERSON: Any individual, corporation, partnership, association, estate, receiver, trustee, executor, administrator, assignee, syndicate or any other combination of individuals. Whenever the term "person" is used in any provision of this chapter prescribing and imposing a penalty, the term as applied to a corporation, association, or partnership, shall mean the officers or partners thereof as the case may be.

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

312.02: IMPOSITION OF TAX:

There is hereby imposed a tax of 3% on the rent charged by an operator for providing lodging to any person. The tax shall be stated and charged separately and shall be collected by the operator from the lodger. The tax collected by the operator shall be a debt owed by the operator to the city and shall be extinguished only by payment to the city. In no case shall the tax imposed by this section upon an operator exceed the amount of tax which the operator is authorized and required by this chapter to collect from a lodger. (Ord. 1200, 3-23-1998)

312.03: COLLECTIONS:

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

312.04: EXEMPTIONS:

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

312.05: ADVERTISING NO TAX:

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

312.06: PAYMENTS AND RETURNS:

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

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

The operator may offset against the taxes payable with respect to any reporting

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

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

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

312.08: REFUNDS:

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

312.09: FAILURE TO FILE A RETURN:

- A. If any operator required by this chapter to file a return shall fail to do so within the time prescribed, or shall make, willfully or otherwise, an incorrect, false, or fraudulent return, the operator shall, upon written notice and demand, file such return or corrected return within five days of receipt of such written notice and shall at the same time pay any tax due on the basis thereof. If such person shall fail to file such return or corrected return, the Director shall make a return or corrected return, for such person from such knowledge and information as the Director can obtain, and assess a tax on the basis thereof, which tax, less any payments theretofore made on account of the tax for the taxable period covered by such return shall be paid within five days of the receipt of written notice and demand for such payment. Any such return or assessment made by the Director shall be prima facie correct and valid, and such person shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect

thereto.

- B. If any portion of a tax imposed by this chapter, including penalties thereon, is not paid within 30 days after it is required to be paid, the city may institute such legal action as may be necessary to recover the amount due plus interest, penalties, the costs and disbursements of any action.
- C. Upon a showing of good cause, the Director may grant an operator one 30-day extension of time within which to file a return and make payment of taxes as required by this chapter provided that interest during such period of extension shall be added to the taxes due at the rate of 10% per annum. (Ord. 1200, 3-23-1998)

312.10: PENALTIES:

If any tax imposed by this chapter is not paid within the time herein specified for the payment, or an extension thereof, there shall be added thereto a specific penalty equal to 10% of the amount remaining unpaid. The amount of tax not timely paid, together with any penalty provided by this section, shall bear interest at the rate of 10% per annum from the time such tax should have been paid until it is paid. Any interest and penalty shall be added to the tax and be collected as part thereof. (Ord. 1200, 3-23-1998)

312.11: ADMINISTRATION OF TAX:

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

312.12: EXAMINATION OF RECORDS:

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

312.13: VIOLATIONS:

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

312.14: USE OF PROCEEDS AND ANNUAL REPORT:

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

312.15: APPEALS:

- A. Any operator aggrieved by any notice, order or determination made by the Director under this chapter may file a petition for review of such notice, order or determination detailing the operator's reasons for contesting the notice, order or determination. The petition shall contain the name of the petitioner, the petitioner's address and the location of the lodging subject to the order, notice or determination.
- B. The petition for review shall be filed with the city within ten days after the notice; order or determination for which review is sought has been mailed or served upon the person requesting review.
- C. Upon receipt of the petition, the city manager, or the manager's designee, shall set a date for a hearing and give the petitioner at least five days prior written notice of the date, time and place of the hearing.
- D. At the hearing, the petitioner shall be given an opportunity to show cause why the notice, order or determination should be modified or withdrawn. The petitioner may be represented by counsel of petitioner's choosing at petitioner's own expense.
- E. The hearing shall be conducted by the city manager, or the manager's designee, provided only that the person conducting the hearing shall not have participated in the drafting of the order, notice or determination for which review is sought.
- F. The person conducting the hearing shall make written findings of fact and conclusion based upon the applicable sections of this chapter and evidence presented. The person conducting the hearing may affirm, reverse or modify the notice, order or determination made by the Director.
- G. Any decision rendered by the city manager, or the manager's designee, pursuant to this section may be appealed to the City Council. A petitioner seeking to appeal the decision must file a written notice of appeal with the city within ten days after the decision has been mailed to the petitioner. The matter will thereupon be placed on the council agenda as soon as it is practical. The council shall then review the findings of fact and conclusions to determine whether they are correct. Upon a determination by the council that the findings and conclusions are incorrect, the council may modify, reverse or affirm the decision of the city manager, or the manager's designee, upon the same standards as set forth in subsection F of this section. (Ord. 1200, 3-23-1998)

312.16: EFFECTIVE DATE:

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

CHAPTER 313

MANUFACTURED HOME PARK CLOSINGS

SECTION:

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

313.01: PURPOSE:

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

313.02: DEFINITIONS:

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

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

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

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

DISPLACED RESIDENT: Displaced owner or displaced renter.

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

MANUFACTURED HOME: A structure, not affixed to or part of real estate, transportable in one or more sections, which in the traveling mode, is eight feet or more in width or 40 feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a

dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical system contained in it.

PARK OWNER: The owner of a manufactured home park and any person acting on behalf of the owner in the operation or management of a park.

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

313.03: NOTICE OF CLOSING:

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

313.04: NOTICE OF PUBLIC HEARING:

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

313.05: PUBLIC HEARING:

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

313.06: PAYMENT OF RELOCATION COSTS TO DISPLACED OWNERS:

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

of the park which is being closed or some other agreed upon distance, and the displaced owner elects not to tender title to the manufactured home, the displaced owner is entitled to relocation costs based upon an average of relocation costs awarded to other residents in the park.

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

313.07: PAYMENT OF ADDITIONAL COMPENSATION TO DISPLACED OWNERS:

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

313.08: PAYMENT OF RELOCATION COSTS TO DISPLACED RENTERS:

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

313.09: PENALTY:

- A. Violation of any provision of this chapter shall be a misdemeanor.

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

CHAPTER 314 FEE SCHEDULE

SECTION:

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

314.01: PURPOSE AND FINDINGS

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

314.02: OTHER FEE REFERENCES

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

314.03: AUTHORITY

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

314.04: PENALTY

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

314.05: FEE SCHEDULE

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

314.051: GENERAL BUSINESS LICENSES AND FEES

Item / Description	City Code	2021 Amount	2022 Amount
Benches in right-of-way	703	\$50.00	\$50.00
Assessment searches			
• Deferred / Pending	N/A	\$0.00	\$0.00
• Historical	N/A	\$100.00	\$100.00
Burial Permit	401	\$100.00	\$100.00
Cigarettes and tobacco products, sale of	306	\$200.00	\$200.00
Compost and Woodchip Delivery from Compost Site	N/A	\$40.00	\$50.00
Construction noise variance	405.03	\$450.00	\$450.00
Conversation parlors	308	\$10,000.00	\$10,000.00
Copy charges per page	N/A	\$0.25	\$0.25
CPR Training charge per student	N/A	\$100.00	\$100.00
Curb stop turn on/off fee	N/A	\$50.00	\$50.00
Data / USB Drive Copies	N/A	\$10.00	\$10.00
Daycare facility inspection fee	N/A	\$40.00	\$40.00
Dog and cat license			
• 2 Year; sterilized	501	\$10.00	\$10.00
• 2 Year; sterilized and micro chipped	501	\$5.00	\$5.00
• 2 Year; non-sterilized	501	\$35.00	\$35.00
• 2 Year; non-sterilized and micro chipped	501	\$25.00	\$25.00
• Lifetime; sterilized	501	\$30.00	\$30.00
• Lifetime; sterilized and micro chipped	501	\$5.00	\$5.00
• Lifetime; non-sterilized	501	\$150.00	\$150.00
• Lifetime; non-sterilized, but micro chipped	501	\$100.00	\$100.00
• Duplicate / address change	501	\$5.00	\$5.00
• Special multiple; 2 Year	501	\$40.00	\$40.00
Dog kennels	501	\$75.00	\$75.00
Easement or right-of-way vacation	N/A	\$300.00	\$475.00
Encroachment Agreement Application fee	N/A	\$300.00	\$475.00

Item / Description	City Code	2021 Amount	2022 Amount
Erosion control escrow fee (per acre):			
Standard	1017	\$3,000.00	\$3,000.00
Residential remodel (less than ¼ acre)	1017	\$1,000.00	\$1,000.00
Erosion control inspection permit			
Less than 1 acre	1017	\$625.00	\$625.00
1 to 5 acres	1017	\$900.00	\$900.00
More than 5 acres	1017	\$1,400.00	\$1,400.00
Shoreland district < 5,000 sq. ft.	1017	\$300.00	\$300.00
Permit renewal (residential remodel)	1017	\$150.00	\$150.00
Erosion control permit <i>renewal</i>			
Less than 1 acre	1017	\$220.00	\$220.00
1 to 5 acres	1017	\$320.00	\$320.00
More than 5 acres	1017	\$480.00	\$480.00
Excavation, grading, and surfacing	705	See below	See below
False alarm fees – Fire			
• Third false alarm	506	\$300.00	\$300.00
• Fourth	506	\$400.00	\$400.00
• Fifth and all subsequent alarms	506	\$500.00	\$500.00
• Construction-related	N/A	\$150.00	\$150.00
False alarm fees – Police			
• Third false alarm	506	\$100.00	\$100.00
• Fourth	506	\$200.00	\$200.00
• Fifth	506	\$300.00	\$300.00
• Sixth	506	\$400.00	\$400.00
• Seventh and all subsequent alarms	506	\$500.00	\$500.00
Fertilizer, sale of	408	\$30.00	\$30.00
Fertilizer, applicator	408	\$100.00	\$100.00
Firearms, sale of	310	\$30.00	\$30.00
Fire Inspection:	902	\$93.00	\$105.00
Commercial vent hood	902	\$93.00	\$105.00
Natural gas-related emergencies	-	\$250.00	\$250.00
Outside of normal business hours		105.00	per hour (contractor-related) per hour, 2 hour minimum
Fire rescue and extrication fee	N/A	\$400.00	\$400.00
Fire safety training (per hour)	N/A	\$80.00	\$80.00
Fireworks, sale of consumer (existing retail)	N/A	\$100.00	\$100.00
Fireworks, sale of consumer (stand-alone, temporary)	902	\$450.00	\$450.00

Fuel storage tank removal inspection	902	\$170.00	\$170.00
Fuel storage tank: Installation of liquid fuel tank	902	\$170.00	\$170.00
Fuel storage tank: Installation of liquefied fuel tank	902	\$170.00	\$170.00
Gas pumps – private business	310	\$60.00	\$186.00
Gasoline stations	310	\$130.00	\$186.00
Horse	501	\$5.00	\$5.00
Hospitals-veterinary	310	\$80.00	\$80.00
Hotel/Motel Annual Inspection:			
Base rate	N/A	\$435.00	\$435.00
Per unit fee	N/A	\$3.00	\$3.00
Follow-up inspection	N/A	\$125.00	\$125.00
Verified complaint inspection	N/A	\$125.00	\$125.00
Lawful gambling:			
One-time event	304	\$25.00	\$25.00
On-going premise permit: gross sales %	304	.5%	.5%
On-going premise permit: net profits %	304	10%	10%
Liquor licenses:			
• On sale intoxicating liquor license	302	\$7,000.00	\$7,000.00
• On sale non-intoxicating liquor license	302	\$100.00	\$100.00
• On sale wine license (75 seats or less)	302	\$750.00	\$750.00
• On sale wine license (75+ seats)	302	\$1,500.00	\$1,500.00
• Temporary on sale (3 days)	302	\$50.00	\$50.00
• Temporary on sale in Central Park	302	\$20.00	\$20.00
• Sunday on sale license	302	\$200.00	\$200.00
• Special club license	302	\$200.00	\$200.00
51-200 members	302	\$300.00	\$300.00
201-500	302	\$500.00	\$500.00
501-1,000	302	\$650.00	\$650.00
1,001-2,000	302	\$800.00	\$800.00
4,001-6,000	302	\$1,000.00	\$1,000.00
More than 6,000	302	\$2,000.00	\$2,000.00
• On sale brewery taproom	302	\$3,000.00	\$3,000.00
• Off-sale brewery taproom	302	\$750.00	\$750.00
• On sale microdistillery cocktail room	302	\$300.00	\$300.00
• Off-sale microdistillery cocktail room	302	\$750.00	\$750.00
• Off sale intoxicating liquor license	302	\$300.00	\$300.00
• Off sale intoxicating liquor (if conditions of MN Statute 340A.408 (Sub. 3c) are met	302	\$200.00	\$200.00
• Off sale intoxicating liquor license	302	\$30.00	\$30.00
• Sale outside of premises	302	\$25.00	\$25.00
Liquor License – investigation fee	302	\$300.00	\$300.00
Massage therapist	309	\$100.00	\$125.00
Massage therapy business establishment license	309	\$300.00	\$325.00
First-time background check	309	\$150.00	\$150.00
Open burning permit	N/A	\$120.00	\$120.00
Park Dedication – residential (per unit)	1103	\$4,000.00	See comment below

Park Dedication – non-residential (fair-market value %)	1103	10.0 %	See comment below
Pathway patching fee			
Concrete sidewalk – 2 panels	N/A	\$675.00	\$750.00
Bituminous (12' x 8')	N/A	\$550.00	\$700.00
Pawn Shop license	311	\$10,000.00	\$10,000.00
Pawn shop and precious metal dealer license	311	\$13,000.00	\$13,000.00
Pawn shop fee (per transaction)	N/A	\$2.90	\$2.90
Precious metal dealer	311	\$10,000.00	\$3,000.00
Private hydrant inspections:			
1-4 hydrants	801	\$50.00	\$75.00
> 4 hydrants	801	\$25.00	\$25.00 / per hydrant
Processing fee - permits & contractor licenses (c)	N/A	2%	2%
Public improvement contract application fee (d)	N/A	\$550.00	\$550.00
Public Nuisance Deviation Fee	407.1	\$50.00	\$50.00
Recycling contractor	403	\$125.00	\$125.00
Rental licensing:			
Multi-family annual inspection fee: Building	908	\$102.00	\$102.00
Multi-family annual inspection fee: Per Unit	908	\$15.00	\$15.00
Multi-family: reinstatement	908	\$102.00	\$102.00
Reinspection fee	908	\$93.00	\$105.00
Failure to renew within 30 days of exp.	908	\$500.00	\$500.00
Fee appeal to City Council	908	\$50.00	\$50.00
Rental registration:			
Housing	907	\$35.00	\$35.00
Late renewal fee	907	\$35.00	\$35.00
Administrative fine (per unit)	907	\$100.00	\$100.00
Appeal	907	\$50.00	\$50.00
Returned Check/ACH			\$30.00
Right-of-way permits:			
Hole (per hole)	707	\$400.00	\$400.00
Trench	707	\$400.00	\$400.00
Boring	707	\$400.00	\$400.00
Non-excavation (obstruction)	707	\$50.00	\$50.00
Roll-off container	707	\$50.00	\$50.00
Extension	707	\$25.00	\$25.00
Oversize/overweight vehicle	707	\$30.00	\$30.00
Penalty	707		
Curb cut	707	\$50.00	\$50.00
New or revised wireless support structure	707	\$100.00	\$100.00
Other Agency review	707	\$30.00	\$30.00
Winter excavation surcharge	707	\$100.00	\$100.00
Sewer connection fees	802	N/A	N/A
Sewer usage fees	802	N/A	N/A
Short Term Rental	909		\$515
Failure to renew w/in 5 days	909		\$100
Administrative fine	909		\$100

Soil contamination fee (per cubic yard)	406	\$1/cu.yd. up to \$300	\$1/cu.yd. up to \$300
Solid waste hauler	402	\$125.00	\$125.00
Special Event License			\$75.00
Stormwater drainage fees	803	separate resolution	separate resolution
Stormwater impact fee (per cubic foot)	1017	\$22.50	\$22.50
Stormwater residential permit	N/A	\$250.00	\$250.00
Stormwater residential permit renewal (5-years)	N/A	\$100.00	\$100.00
Stormwater Permit Review			
Less than 1 acre	803	-	\$35.00
1-5 acres	803	-	\$75.00
More than 5 acres	803	-	\$125.00
Non-compliance fine	803	-	\$100.00
Street patching fee			
Half width without curb	N/A	\$700.00	\$900.00
Half width with curb	N/A	\$1,300.00	\$1,400.00
Full-width without curb	N/A	\$1,400.00	\$1,500.00
Full-width with curb	N/A	\$2,600.00	\$3,000.00
Sump pump waiver fee	802	\$50.00	\$50.00
Sump pump surcharge fee (per month)	802	\$50.00	\$50.00
Tree planting and removal	706	separate ordinance	separate ordinance
Tree Replacement Fee (Ord 1600, 04-12-2021)	1011.04		\$500/tree
Utility service location fee	N/A	\$100.00	\$100.00
Vehicle forfeiture impound fee (per day)	N/A	\$20.00	\$20.00
Vehicle related emergency response	N/A	\$400.00	\$400.00
Per vehicle involved		\$48.00	\$48.00
Significant incident response larger/specialized response		Based on time & supplies	Based on time & supplies
Water connection fees	801	see below	see below
Water meter deposit	801	Established separately	Established separately
Water usage fees	801	separate resolution	separate resolution
Water tower permit – private use	801	separate resolution	separate resolution
Well permit	801	separate resolution	separate resolution
Wireless tower lease agreement	1205	negotiated	negotiated

(a) If MN Statute 340A.408, subd 3(c) are met

(b) Calculation is based on 10% of the estimated fair market value of unimproved land, as determined by the Ramsey County Assessor's Office on the date of approval of the plat or subdivision.

(c) For 2018 and beyond, the fee is \$2 minimum or 2% of the fine, registration, permit, or license

(d) In addition to the \$550 base fee, an escrow fee of 4% of the total improvement cost is also llected

(Ord.1400, 11-22-2010) (Ord. 1421, 11-28-2011) (Ord. 1431, 11-19-2012) (Ord. 1433, 01-28-2013)
(Ord. 1536, 12-4-2017) (Ord. 1558, 7-9-2018) (Ord. 1567, 12-3-2018) (Ord 1609, 12-06-2021)

314.052: ADMINISTRATIVE FINES

Item / Description	City Code	2021 Amount	2022 Amount	Comments
Alcohol Sales (License Holder)				
Off-sale 1 st Violation	302.15	\$1,000.00	\$1,000.00	
Off-sale 2 nd Violation (in 36 months)	302.15	\$2,000.00	\$2,000.00	3 day susp
Off-sale 3 rd Violation (in 36 months)	302.15	\$2,000.00	\$2,000.00	7 day susp
Off-sale 4 th Violation (in 36 months)	302.15	Revocation	Revocation	
Alcohol Sales (License Holder)				
On-sale 1 st Violation	302.15	\$1,000.00	\$1,000.00	1 day susp
On-sale 2 nd Violation (in 36 months)	302.15	\$2,000.00	\$2,000.00	5 day susp
On-sale 3 rd Violation (in 36 months)	302.15	\$2,000.00	\$2,000.00	15 day susp
On-sale 4 th Violation (in 36 months)	302.15	Revocation	Revocation	
Alcohol Sales:				
Purchase, possession - underage		\$150.00	\$150.00	
Lending ID to underage person	N / A	\$100.00	\$100.00	
Selling alcohol – underage		\$250.00	\$250.00	
License holder	306.09	\$300.00	\$300.00	
Other violation	306.09	\$100.00	\$100.00	
Animals:				
Vicious animal		\$50.00	\$50.00	
Barking dog		\$50.00	\$50.00	
Animal at large		\$50.00	\$50.00	
Other animal violation	N / A	\$50.00	\$50.00	
City Code Violation: general		\$100.00	\$100.00	
Consuming alcohol: Unauthorized places		\$250.00	\$250.00	
Discharge, display of weapon		\$250.00	\$250.00	
Expired License plates		\$35.00	\$35.00	
Fats, Oil, Grease (FOG) Fines-Engineering				
-FOG resulting in blockage		\$500.00	\$500.00	Per incident
-Failure to maintain records		\$100.00	\$100.00	
Failure to apply for license		\$50.00	\$50.00	
Fires:				
No open fires		\$25000	\$250.00	
Fire Code	N / A	\$250.00	\$250.00	
Fireworks: use, possession, sale		\$250.00	\$250.00	
Golf cart / ATV violation		\$50.00	\$50.00	
Illegal dumping		\$150.00	\$150.00	
Land use		\$100.00	\$100.00	
Licenses (not occurring elsewhere)		\$50.00	\$50.00	
Missing plate/tab		\$35.00	\$35.00	
Noise complaint		\$250.00	\$250.00	
Parking: Snowbird	N / A	\$25.00	\$25.00	

Park ordinance violation		\$25.00	\$25.00	
Peddling		\$75.00	\$75.00	
Pet Store Requirements				
-1 st violation (within a rolling 12 mos.)		\$1,000.00	\$1,000.00	
-2 nd violation (within a rolling 12 mos.)		\$1,500.00	\$1,500.00	
-3 rd violation (within a rolling 12 mos.)		\$3,000.00	\$3,000.00	
Property nuisance: Repeat		\$250.00	\$250.00	
Property nuisance: Comm Lodging Est.		\$250.00	\$250.00	
Public nuisance (a)		\$100.00	\$100.00	
Regulated businesses		\$100.00	\$100.00	
Seat belts		\$25.00	\$25.00	
Signs		\$50.00	\$50.00	
Snowmobiles (use on public property)		\$50.00	\$50.00	
Tampering with Civil Defense System		\$250.00	\$250.00	
Tobacco Sales (License Holder)	306.09			
1 st Violation		\$300.00	\$1,000.00	3 day susp.
2 nd Violation (in 36 months)		\$400.00	\$2,000.00	7 day susp.
3 rd Violation (in 36 months)		\$800.00	\$2,000.00	
4 th Violation (in 36 months)		Revocation	Revocation	
Tobacco Sales				
-Selling tobacco: underage		\$200.00	\$250.00	
-Other violation		\$100.00	\$100.00	
Trapping Ordinance violation		\$	\$150.00	
Trespassing			\$150.00	
Wetland / Shore land			\$100.00	

(a) Beginning with the third call, the cost is \$250.00 plus the cost related to the call up to \$2,000.00

(b) \$400 + minimum 2 day license suspension

(c) \$800 + 7 day license suspension

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

(Ord. 1431, 11-19-2012) (Ord. 1536, 12-4-2017) (Ord. 1556, 6-18-2018) (Ord 1609, 12-7-2021)

PERMIT AND PLAN/PROJECT REVIEW FEES

City Code Sections; 307, 801, 802, 901, 1014. ** All permits, licenses, fees, registrations, & fines are subject to a processing fee.

Building Permit Fee – Community Development

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

Plan Review Fee:

When a building permit is required and a plan is required to be submitted, a plan checking fee shall be paid. Plan checking fees for all buildings shall be sixty five percent (65%) of the building permit fee as set forth in Section 901.06 of this chapter, except as modified in M.S.B.C. Section 1300. (Ord. 1110, 4-13-1992)

The plan review fees specified are separate fees from the permit fees and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items an additional plan review fee shall be charged.

Expiration of plan review:

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official.

The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

Refund Policy:

The building official may authorize refunding of any fee paid hereunder pursuant to the established fee policy of the Community Development department.

Investigation Fee: Work without a Permit

Whenever any work for which a permit is required from the city has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this Fee Schedule. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of State and City Code nor from any penalty prescribed by law.

Permit and Plan/Project Review Fees

				value or fraction thereof
\$500,001 - \$1,000,000 valuation		3,886.65	3,886.65	For the first \$500,000 value; plus \$5.50 for each add'l \$1,000
				value or fraction thereof
\$1,000,000 + valuation		6,636.65	6,636.65	For the first \$1,000,000 value; plus \$4.50 for each add'l \$1,000
				value or fraction thereof
Inspections outside of normal business hours		69.50	70.00	Hourly rate
Re-inspection fees (hourly)		69.50	70.00	Per State Building Code
Misc. inspection/investigation fees (hourly)		69.50	70.00	
Add'l plan review fee required by revisions		69.50	70.00	Hourly rate
Building Permit - Engineering:				
\$1 - \$500 valuation		\$ 5.00	\$ 15.00	
\$501 - \$2,000 valuation		5.00	15.00	
\$2,001 - \$25,000 valuation		25.00	30.00	
\$25,001 - \$50,000 valuation		50.00	65.00	
\$50,001 - \$100,000 valuation		75.00	90.00	
\$100,001 - \$500,000 valuation		100.00	125.00	
\$500,001 - \$1,000,000 valuation		200.00	225.00	
\$1,000,000 +		300.00	350.00	
Demolition Permit Fee - Community Development				
Tenant improvement/remodeling		\$ 75.00	\$ 75.00	Prior to building permit
Structures not connected to utilities		96.00	96.00	
Structures connected to city utilities: residential		163.00	163.00	
Structures connected to city utilities: commercial		425.00	425.00	
Fire Safety Inspection Fee		8%	8%	% of building permit fee
Fire Plan Review Fee: New Construction (hourly)		93.00	105.00	
Fire Plan Review Fee: Existing				
** Plan Review Fee will be 65% of the calculation below **				
\$1 - \$2,000 valuation		93.00	105.00	Per Hour
\$2,001 - \$25,000 valuation		93.00	105.00	For the first \$2,000 value; plus \$21.00 for each add'l \$1,000
				value or fraction thereof
\$25,001 - \$50,000 valuation		576.00	576.00	For the first \$25,000 value; plus \$15.40 for each add'l \$1,000
				value or fraction thereof
\$50,001 - \$100,000 valuation		961.00	961.00	For the first \$50,000 value; plus \$10.70 for each add'l \$1,000
				value or fraction thereof
\$101,001 - \$500,000 valuation		1,496.00	1,496.00	For the first \$100,000 value; plus \$8.60 for each add'l \$1,000
				value or fraction thereof
\$500,001 - \$1,000,000 valuation		4,936.00	4,936.00	For the first \$500,000 value;

Permit and Plan/Project Review Fees (continued)

Erosion control, Grading, Storm Water Permits

<u>Fee Description</u>	<u>City Code</u>	<u>2021 Amount</u>	<u>2022 Amount</u>	<u>Comment</u>
Erosion control inspection permit:				
Less than 1 acre	1017	625.00	1,000.00	
1 to 5 acres	1017	900.00	1,500.00	
More than 5 acres	1017	1,400.00	2,000.00	
Shoreland district < 5,000 sq. ft.	1017	300.00	300.00	
Residential remodel (less than 1/4 acre)	1017	300.00	300.00	
Permit renewal (residential remodel)	1017	150.00	150.00	
Erosion control permit renewal:				
Less than 1 acre	1017	\$ 220.00	\$ 500.00	
1 to 5 acres	1017	320.00	750.00	
More than 5 acres	1017	480.00	1,000.00	
Grading Permit Fee - Engineering:				
50 cubic yards or less		\$ 50.00	\$ 50.00	
51 - 250 cubic yards		100.00	100.00	
251 - 1,000 cubic yards		200.00	200.00	
1,001 - 10,000 cubic yards		350.00	350.00	
10,000 + cubic yards		650.00	650.00	
Stormwater drainage fees	803	n/a	n/a	Established separately
Stormwater impact fee (per cubic foot)	1017	30.00	30.00	
Stormwater residential permit:				
Initial	n/a	250.00	250.00	
Renewal (5 year term)	n/a	100.00	100.00	
Stormwater Permit Review				
Less than 1 acre	803	35.00	35.00	
1-5 acres	803	75.00	75.00	
More than 5 acres	803	125.00	125.00	
Non-compliance fine	n/a	100.00	100.00	

Swimming pool heaters	61.00	61.00	
New construction, misc. work & gas piping	1.28% of job cost		\$61.00 minimum fee
Minimum fee	61.00	61.00	
Gas fireplace	61.00	61.00	
In floor heat	85.00	85.00	
Mechanical Permit Fee - Commercial (All)	1.28% of job cost		\$61.00 minimum fee
Plan Review Fee:	65%	65%	% of building permit fee
Plumbing Permit Fee:			
Minimum fee	61.00	61.00	
Additional for each fixture opening	10.00	10.00	
Backflow prevention device	10.00	10.00	
Miscellaneous work	1.28% of job cost		
Sewer Connection Permit Fee - Community Develop:			
Residential	\$ 96.00	\$ 96.00	
Commercial	303.00	303.00	
Repair	61.00	61.00	
Disconnect: residential	85.00	85.00	
Disconnect: commercial	169.00	169.00	
Sewer Connection/Inspection Permit Fee - Engineering:			
Connection: residential	25.00	25.00	
Connection: commercial	75.00	75.00	
Connection: repair	25.00	25.00	
Connection: inspection	75.00	75.00	
Disconnect: residential	25.00	25.00	
Disconnect: commercial	75.00	75.00	
Sign Permit Fee - Community Development:			
Permanent sign (minimum fee)	55.00	55.00	
Annual sign	100.00	100.00	
Temporary sign	30.00	30.00	
Attention-getting device	30.00	30.00	
Swimming Pool Permit - Community Development:			
Residential: in-ground	212.00	212.00	
Commercial			Per Building Permit Fee Schedule
Swimming Pool Permit - Engineering	15.00	15.00	
Water Connection Permit Fee - Community Develop:			
Residential	96.00	96.00	
Commercial	303.00	303.00	
Repair	61.00	61.00	
Disconnect: residential	85.00	85.00	
Disconnect: commercial	169.00	169.00	
Water Connection/Inspection Permit Fee - Engineering:			
Connection: residential	25.00	25.00	
Connection: commercial	75.00	75.00	
Connection: repair	25.00	25.00	
Connection: inspection	75.00	75.00	
Disconnect: residential	25.00	25.00	
Disconnect: commercial	75.00	75.00	
Water Meter Program Fees - Engineering:			
Manual meter read surcharge	40.00	20.00	per quarter
Non-standard water meter no-read fee	50.00	50.00	
Denial of access to water meter	100.00	100.00	per quarter
Miscellaneous Building Permit Fees:			
Administrative fee for abatement	\$ 125.00	\$ 125.00	
Administrative fee: other zones	69.50	69.50	
Administrative fee: R1 or R2 zones	69.50	69.50	
Backflow prevention investigation fee	75.00	75.00	
Certificate of Occupancy: conditional	102.00	102.00	Special conditions
Certificate of Occupancy: copy	n/a	n/a	
Certificate of Occupancy: full	25.00	25.00	
City contractor license fee	94.00	63.00	
Construction deposit: commercial	5,000.00	5,000.00	
Construction deposit: residential	1,000.00	1,000.00	
Drain tile	115.00	115.00	
Driveway permits: residential replacement	55.00	55.00	
Driveway permits: residential expansion	75.00	75.00	Plus \$15 Engineering fee
Fence permits: residential	52.00	52.00	
Fence permits: commercial			Per Building Permit Fee Schedule
Footing/foundation permits: commercial	477.00	477.00	
Footing/foundation permits: residential	102.00	102.00	
Garage only	56.00	56.00	
Other			Per Building Permit Fee Schedule
Outdoor sales/display permit: 1-5 occurrences	50.00	50.00	
Outdoor sales/display permit: 6-10 occurrences	75.00	75.00	
Outdoor sales/display permit: 11 or more	200.00	200.00	
Outdoor storage/display permit: 1-5 occurrences	50.00	50.00	
Outdoor storage/display permit: 6-10 occurrences	100.00	100.00	
Outdoor storage/display permit: 11 or more	200.00	200.00	
Outdoor temporary event: 1-5 occurrences	50.00	50.00	+ Fire \$125 inspection fee (t
Outdoor temporary event: 6-10 occurrences	100.00	100.00	+ Fire \$125 inspection fee (t
Outdoor temporary event: 11 or more occurrences	200.00	200.00	+ Fire \$125 inspection fee (t
Parking lot repair	250.00	250.00	See comment (a)
Replacement inspection card	21.00	21.00	
Residential siding replacement flat fee	92.00	140.00	
Residential window replacement (minimum)	92.00	92.00	
Residential wood burning fireplace	92.00	92.00	
Re-stamping job site plan sets	31.00	31.00	
Roofing flat fee (residential)	102.00	140.00	
SAC administration fee	36.00	36.00	
SAC research fee: hourly Rate	69.50	70.00	
Shed permits (residential < 120 square feet)	52.00	52.00	
Shed permits (residential 121-200 square feet)	75.00	75.00	Plus \$15 Engineering fee
Solar panel/renewable energy equipment install	1.28 % of job cost or	\$160 minimum fee	
Verification fee: age of structure on property	5.00	5.00	
Verification fee: electrician/plumber state license	1.00	1.00	
Verification fee: lead abatement certificate	5.00	1.00	
Verification fee: sewer/water bond certificate	1.00	1.00	
Verification fee: state contracting license	5.00	1.00	See Comment (c)

Comments:

(a) Fee amount if < 25% of total surface is replaced not exposing base, otherwise add'l fees are imposed

(b) An additional \$125 fire inspection fee will be charged if using a tent or other membrane structure

(c) Verification fee required for all trades with State licenses or bonds

Administrative fee: other zones	69.50	69.50	
Administrative fee: R1 or R2 zones	69.50	69.50	
Backflow prevention investigation fee	75.00	75.00	
Certificate of Occupancy: conditional	102.00	102.00	Special conditions
Certificate of Occupancy: copy	n/a	n/a	
Certificate of Occupancy: full	25.00	25.00	
City contractor license fee	63.00	63.00	
Construction deposit: commercial	5,000.00	5,000.00	
Construction deposit: residential	1,000.00	1,000.00	
Drain tile	115.00	115.00	
Driveway permits: residential replacement	55.00	55.00	
Driveway permits: residential expansion	75.00	75.00	Plus \$15 Engineering fee
Fence permits: residential	52.00	52.00	
Fence permits: commercial	Per Building Permit Fee Schedule		
Footing/foundation permits: commercial	477.00	477.00	
Footing/foundation permits: residential	102.00	102.00	
Garage only	56.00	56.00	
Other	Per Building Permit Fee Schedule		
Outdoor sales/display permit: 1-5 occurrences	50.00	50.00	
Outdoor sales/display permit: 6-10 occurrences	100.00	100.00	
Outdoor sales/display permit: 11 or more	200.00	200.00	
Outdoor storage/display permit: 1-5 occurrences	50.00	50.00	
Outdoor storage/display permit: 6-10 occurrences	100.00	100.00	
Outdoor storage/display permit: 11 or more	200.00	200.00	
Outdoor temporary event: 1-5 occurrences	50.00	50.00	+ Fire \$125 inspection fee (t
Outdoor temporary event: 6-10 occurrences	100.00	100.00	+ Fire \$125 inspection fee (t
Outdoor temporary event: 11 or more occurrences	200.00	200.00	+ Fire \$125 inspection fee (t
Parking lot repair	250.00	250.00	See comment (a)
Replacement inspection card	21.00	21.00	
Residential siding replacement flat fee	140.00	140.00	
Residential window replacement flat fee	140.00	140.00	
Residential wood burning fireplace	92.00	92.00	
Re-stamping job site plan sets	31.00	31.00	
Roofing flat fee (residential)	140.00	140.00	
SAC administration fee	36.00	36.00	
SAC research fee: hourly Rate	70.00	70.00	
Shed permits (residential < 120 square feet)	52.00	52.00	
Shed permits (residential 121-200 square feet)	75.00	75.00	Plus \$15 Engineering fee
Solar panel/renewable energy equipment install	1.28 % of job cost or \$160 minimum fee		
Verification fee: age of structure on property	5.00	5.00	
Verification fee: electrician/plumber state license	1.00	1.00	
Verification fee: lead abatement certificate	1.00	1.00	
Verification fee: sewer/water bond certificate	1.00	1.00	
Verification fee: state contracting license	1.00	1.00	See Comment (c)

Comments:

(a) Fee amount if < 25% of total surface is replaced not exposing base, otherwise add'l fees are imposed

(b) An additional \$125 fire inspection fee will be charged if using a tent or other membrane structure

(c) Verification fee required for all trades with State licenses or bonds

Permit and Plan/Project Review Fees (continued)

Fee Description	Code	Amount	Amount	Comments
Miscellaneous Building Permit Fees:				
Administrative fee for abatement		\$ 125.00	\$ 125.00	
Administrative fee: other zones		69.50	69.50	
Administrative fee: R1 or R2 zones		69.50	69.50	
Backflow prevention investigation fee		75.00	75.00	
Certificate of Occupancy: conditional		102.00	102.00	Special conditions
Certificate of Occupancy: copy		n/a	n/a	
Certificate of Occupancy: full		25.00	25.00	
City contractor license fee		94.00	63.00	
Construction deposit: commercial		5,000.00	5,000.00	
Construction deposit: residential		1,000.00	1,000.00	
Drain tile		115.00	115.00	
Driveway permits: residential replacement		55.00	55.00	
Driveway permits: residential expansion		75.00	75.00	Plus \$15 Engineering fee
Fence permits: residential		52.00	52.00	
Fence permits: commercial		Per Building Permit Fee Schedule		
Footing/foundation permits: commercial		477.00	477.00	
Footing/foundation permits: residential		102.00	102.00	
Garage only		56.00	56.00	
Other		Per Building Permit Fee Schedule		
Outdoor sales/display permit: 1-5 occurrences		50.00	50.00	
Outdoor sales/display permit: 6-10 occurrences		75.00	75.00	
Outdoor sales/display permit: 11 or more		200.00	200.00	
Outdoor storage/display permit: 1-5 occurrences		50.00	50.00	
Outdoor storage/display permit: 6-10 occurrences		100.00	100.00	
Outdoor storage/display permit: 11 or more		200.00	200.00	
Outdoor temporary event: 1-5 occurrences		50.00	50.00	+ Fire \$125 inspection fee (t
Outdoor temporary event: 6-10 occurrences		100.00	100.00	+ Fire \$125 inspection fee (t
Outdoor temporary event: 11 or more occurrences		200.00	200.00	+ Fire \$125 inspection fee (t
Parking lot repair		250.00	250.00	See comment (a)
Replacement inspection card		21.00	21.00	
Residential siding replacement flat fee		92.00	140.00	Minimum amount in 2017
Residential window replacement (minimum)		92.00	92.00	
Residential wood burning fireplace		92.00	92.00	
Re-stamping job site plan sets		31.00	31.00	
Roofing flat fee (residential)		102.00	140.00	Minimum amount in 2017

Permit and Plan/Project Review Fees

<u>Fee Description</u>	<u>City Code</u>	<u>2018 Amount</u>	<u>2019 Amount</u>	<u>Comments</u>
Miscellaneous Building Permit Fees Continued:				
SAC administration fee		36.00	36.00	
SAC research fee: hourly Rate		69.50	70.00	
Shed permits (residential < 120 square feet)		52.00	52.00	
Shed permits (residential 121-200 square feet)		75.00	75.00	Plus \$15 Engineering fee
Solar panel/renewable energy equipment install		1.28 % of job cost or	\$160 minimum fee	
Verification fee: age of structure on property		5.00	5.00	
Verification fee: electrician/plumber state license		1.00	1.00	
Verification fee: lead abatement certificate		5.00	1.00	
Verification fee: sewer/water bond certificate		1.00	1.00	
Verification fee: state contracting license		5.00	1.00	See Comment (c)
<u>Comments:</u>				
(a) Fee amount if < 25% of total surface is replaced not exposing sub-base, otherwise add'l fees are imposed				
(b) An additional \$125 fire inspection fee will be charged if using a tent or other membrane structure of 400 s.f. or large				
(c) Verification fee required for all trades with State licenses or bonds				

CHAPTER 315
PROHIBITING THE PRACTICE OF CONVERSION THERAPY
IN THE CITY OF ROSEVILLE

SECTION:

- 315.01 Purpose and Findings
- 315.02 Definitions
- 315.03 Conversion Therapy Prohibited
- 315.04 Exceptions
- 315.05 Enforcement and Penalties
- 315.06 Severability

315.01 PURPOSE AND FINDINGS.

The City Council finds:

- (a) Conversion therapy and related practices lead to critical short and long-term health risks and inequities including an increased risk of depression, anxiety, substance abuse, and suicide.
- (b) Local and national medical, mental health, and child welfare professional associations, including the National Association of Social Workers – Minnesota, American Medical Association, American Psychological Association, American Academy of Pediatrics, and American Psychiatric Association have denounced and rejected conversion therapy and related practices as harmful and ineffective.
- (c) In support of the city’s continued commitment to supporting the LGBTQIA+ community, the city has an interest in protecting the physical and mental well-being of minors and vulnerable adults by protecting them against the harm caused by conversion therapy and related treatment practices.
- (d) LGBTQIA+ minors and vulnerable adults are more likely to be exposed to conversion therapy and related treatments due to an inability to make decisions regarding their own physical and mental health.
- (e) It is necessary for the City Council to further support the LGBTQIA+ community by using its authority in the city to protect the city’s minors and vulnerable adults from exposure to conversion therapy and related treatments.
- (f) Therefore, this ordinance is intended to protect the residents of and visitors to the City from serious physical or psychological harm caused by the practice of conversion therapy treatment on minors and vulnerable adults. (Ord 1605, 11-08-2021)

315.02. DEFINITIONS

The words and phrases used in this Section of City Code shall have the meanings ascribed to them as follows:

- (a) **CLERGY OR RELIGIOUS OFFICIAL.** Any religious officials, including ministers, priests, rabbis, imams, Christian Science practitioners, and other persons recognized by the Minnesota Board of Psychology and defined under Minnesota Statutes §148.9075, conducting counseling activities that are within the scope of the performance of their regular recognizable religious denomination or sect, as defined in current federal tax regulations, if the religious official does not self-represent as a Provider and the official remains accountable to the established authority of the religious denomination or sect.
- (b) **CONVERSION THERAPY.** Any practice, conduct, or treatment by a Provider that seeks to change an individual's Sexual Orientation or Gender Identity, including efforts to change behaviors or Gender Expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. Conversion Therapy shall not include any mental health services that provide assistance to an individual undergoing gender transition, or mental health services that facilitate an individual's identity exploration and development, including sexual orientation-neutral interventions to prevent unlawful conduct or unsafe sexual practices, as long as the mental health services do not seek to change an individual's Sexual Orientation or Gender Identity.
- (c) **GENDER EXPRESSION.** A person's expression of Gender Identity through appearance and behavior.
- (d) **GENDER IDENTITY.** A person's sense of self as a male, female, other gender, or genderless.
- (e) **MINOR.** Any person under the age of eighteen (18) years of age.
- (f) **PROVIDER.** Any individual who is licensed, certified, or registered under the laws of the State of Minnesota to provide mental health services as a mental health practitioner and/or mental health professional, as defined under Minnesota Statutes §245.462, including but not limited to physicians, psychologist, marriage and family therapists, social workers, clinical counselors, behavioral clinicians and therapists, and nurses.
- (g) **SEXUAL ORIENTATION.** A component of identity relevant to a person's sexual and emotional attraction to another person and the behavioral or social affiliation that results from such attraction.
- (h) **VULNERABLE ADULT.** Any person 18 years of age or older and who meets the definition of vulnerable adult in Minnesota Statutes Section

626.5572. (Ord 1605, 11-08-2021)

315.03 CONVERSION THERAPY PROHIBITED

It is unlawful for any Provider to practice or conduct Conversion Therapy on a minor or vulnerable adult within the City. Any Provider who violates this prohibition is subject to the penalties set forth in Section 315.05 of this Code. (Ord 1605, 11-08-2021)

315.04 EXCEPTIONS

The prohibition on Conversion Therapy contained in Section 315.03 of this Code does not apply to:

- (a) Conversion Therapy practiced or conducted by Clergy or Religious Officials.
- (b) Conversion Therapy practiced or conducted on Minors who are lawfully able to give effective consent to medical and mental health services under Minnesota Statutes §144.341. (Ord 1605, 11-08-2021)

315.05 ENFORCEMENT AND PENALTIES

Any violation of Section 315.03 shall constitute an administrative offense under Chapter 102 and will be enforced exclusively through the administrative procedure and hearing process set forth in Section 102.01.C of City Code.

The administrative fine for a first violation of Section 315.03 shall be determined by the City Council and set forth in the City's Fee Schedule. Subsequent violations shall be subject to the increased administrative fine described in Section 102.01.C.12 of this Code.

Each instance or session of unlawful Conversion Therapy under this Code is a separate offense and violation of Section 315.03. (Ord 1605, 11-08-2021)

CHAPTER 316

TETRAHYDROCANNABINOL (THC) PRODUCTS

SECTION:

316.01:	Purpose and Intent
316.02:	Definitions
316.03:	License
316.04:	Fees
316.05:	Ineligibility and Basis for Denial of License
<u>316.06:</u>	Prohibited Acts
<u>316.07:</u>	Responsibility
316.08:	Compliance Checks and Inspections
316.09:	Violations and Penalty
316.10:	Exceptions
316.11:	Severability
316.12:	Effective Date

Section 316.01 PURPOSE AND INTENT.

The purpose of this Chapter is to regulate the sale of legalized adult-use of any product that contains tetrahydrocannabinol and that meets the requirements to be sold for human or animal consumption under Minnesota Statutes, section 151.72 (“THC Products”) for the following reasons:

- (a) By enacting 2022 Session Law Chapter 98, Article 13, the Minnesota Legislature amended Minnesota Statutes, section 151.72 to allow the sale of certain products containing tetrahydrocannabinol (THC).
- (b) The new law does not prohibit municipalities from adopting and enforcing local ordinances to regulate THC product businesses including, but not limited to, local zoning and land use requirements and business license requirements.
- (c) The National Academies of Science, Engineering, and Medicine note that the growing acceptance, accessibility, and use of THC products, including for medical purposes, have raised important public health concerns, while the lack of aggregated knowledge of cannabis-related health effects has led to uncertainty about the impact of its use.
- (d) The City recognizes the danger THC use presents to the health, welfare, and safety of youth in Roseville.
- (e) The Minnesota Legislature recognized the danger of THC product use among the public at large by setting potency and serving size requirements.
- (f) The Minnesota Legislature recognized the danger of THC product use among youth by prohibiting the sale of any product containing THC to those under the age of 21, requiring that edible THC products be packaged without appeal to children and in child-resistant packaging or containers.

(g) State law authorizes the Board of Pharmacy to adopt product and testing standards in part to curb the illegal sale and distribution of THC products and ensure the safety and compliance of commercially available THC products in the state of Minnesota.

(h) The City has the opportunity to be proactive and make decisions that will mitigate this threat and reduce exposure of young people to the products or to the marketing of these products and improve compliance among THC product retailers with laws prohibiting the sale or marketing of THC products to youth.

(i) A local regulatory system for THC product retailers is appropriate to ensure that retailers comply with THC product laws and business standards of the City of Roseville to protect the health, safety, and welfare of our youth and most vulnerable residents.

(j) A requirement for a THC product retailer license will not unduly burden legitimate business activities of retailers who sell or distribute THC products to adults but will allow the City of Roseville to regulate the operation of lawful businesses to discourage violations of state and local THC Product-related laws.

(k) In making these findings and enacting this ordinance, it is the intent of the Roseville City Council to ensure responsible THC product retailing, allowing legal sale and access without promoting increases in use, and to discourage violations of THC Product-related laws, especially those which prohibit or discourage the marketing, sale or distribution of THC products to youth under 21 years of age.

Section 316.02. DEFINITIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Age-Restricted Establishment: An establishment licensed under this Chapter which:

- (a) Prohibits persons under 21 years of age from entering the establishment at all times;
- (b) Posts conspicuous written notice of such age restriction at all entrances to the establishment;
- (c) Meets all of the following building or structural criteria:
 - i. Shares no wall with, and has no part of their structure adjoined to any other business or retailer, unless the wall is permanent, completely opaque, and without doors, windows, and pass-throughs to the other business or retailer; and
 - ii. Is accessible by the public only by an exterior door.

Compliance Checks. The system the City uses to investigate and ensure that those authorized to sell licensed products are following and complying with the requirements of this article. Compliance checks involve the use of persons under 21 who purchase or attempt to purchase licensed products. Compliance checks may also be conducted by the City or other units of government for educational, research, and training purposes, or for investigating or enforcing Federal, State, or local laws and regulations relating to licensed products.

Exclusive Liquor Store. An establishment that meets the definition of exclusive liquor store in Minnesota Statutes, section 340A.101, subdivision 10.

Licensed Product or THC Product. Any product that contains more than trace amounts of tetrahydrocannabinol and that meets the requirements to be sold for human or animal consumption under Minnesota Statutes, section 151.72, as may be amended from time to time. Licensed product does not include medical cannabis as defined in Minnesota Statutes, section 152.22, subdivision 6, as may be amended from time to time.

Moveable Place of Business. Any form of business operated out of a kiosk, truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address storefront or other permanent type of structure authorized for sales transactions.

Sale. Any transfer of goods for money, trade, barter, or other consideration.

Self-Service Merchandising. Open displays of licensed products in any manner where any person has access to the licensed products without the assistance or intervention of the licensee or the licensee's employee. Assistance or intervention means the actual physical exchange of the licensed product between the customer and the licensee or employee.

Vending Machine. Any mechanical, electric, or electronic, or other type of device that dispenses licensed products upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the licensed product.

Section 316.03 LICENSE.

(a) *License Required.* No person shall sell or offer to sell any licensed product within the City without first having obtained a license to do so from the City. Licenses will only be issued to an Age-Restricted Establishment

(b) *Application.* An application for a license to sell licensed products shall be made on a form provided by the City. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the City Manager deems necessary. Upon receipt of a completed application, the City Clerk shall forward the application to the City Council for action at its next regularly scheduled City Council meeting.

Applications shall include a review by the Police Department or other qualified service providers in conducting and completing criminal background checks. The

City may conduct a background check on an application for a renewal of a license if it is in the public interest to do so.

At the time of application, the applicant shall furnish the City with a list of all persons that have an interest of five percent or more in the business. It is the duty of each business licensee to notify the City Clerk in writing of any change in ownership in the business. Any change in the ownership or control of the business shall be deemed equivalent to a transfer of the license, and any such license shall be revoked 30 days after any such change in

ownership or control unless The licensee has notified the City Clerk of any change in ownership by submitting a new license application for the new owners. The Council may revoke any license issued upon its determination that a change of ownership of a licensee has actually resulted in the change of control of the licensed business so as materially to affect the integrity and character of its management and its operation, but no such action shall be taken until after a hearing by the Council on notice to the licensee.

(c) *Action.* The City Council may either approve or deny the application for a license, or it may delay action for a reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the City Council approves the license, the City Clerk shall issue the license to the applicant. If the City Council denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the City Council's decision. If a license application is denied, the earliest an applicant may reapply is 12 months from the date the license is denied.

(d) *Term.* All licenses issued under this article shall expire on December 31 of each year.

(e) *Revocation or Suspension.* Any license issued under this article may be revoked or suspended as provided in Section 316.10.

(f) *Transfers.* All licenses issued under this article shall be valid only on the premises for which the license was issued and only for the person or business to whom the license was issued. The transfer of any license to another location, business, or person is prohibited.

(g) *Display.* All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

(h) *Renewals.* The renewal of a license issued under this article shall be handled in the same manner as the original application.

(i) *Issuance as Privilege and Not a Right.* The issuance of a license issued under this article is a privilege and does not entitle the license holder to automatic renewal of the license.

(j.) *Total Licenses.* The total number of licenses for Tetrahydrocannabinol Products shall not exceed eight(8).

Section 316.04 FEES.

No license shall be issued under this Chapter until the appropriate license fee has been paid in full. The fee for a license under this Chapter shall be established by the City Council and adopted in the City fee schedule, and may be amended from time to time. License fees are pro-rated on a quarterly basis as defined in Chapter 301.04.

Section 316.05 INELIGIBILITY AND BASIS FOR DENIAL OF LICENSE.

(a) *Ineligibility.*

(1) *Moveable Place of Business.* No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this article.

(2) *Exclusive Liquor Store.* No license shall be issued to an exclusive liquor store as defined in Minnesota Statutes, section 340A.101, subdivision 10.

(b) *Grounds for Denial.* Grounds for denying the issuance or renewal of a license under this Chapter include, but are not limited to, the following:

(1) The applicant is under the age of 21 years.

(2) The applicant is prohibited by Federal, State, or other local law, ordinance, or other regulation from holding a license.

(3) The applicant has been convicted within the past five years for any violation of a Federal, State, or local law, other ordinance, provision, or other regulation relating to the licensed products.

(4) The applicant has had a license to sell licensed products suspended or revoked during the 12 months preceding the date of application, or the applicant has or had an interest in another premises authorized to sell licensed products, whether in the City or in another jurisdiction, that has had a license to sell licensed products suspended or revoked during the same time period, provided the applicant had an interest in the premises at the time of the revocation or suspension, or at the time of the violation that led to the revocation or suspension.

(5) The applicant is a business that does not have an operating officer or manager who is eligible pursuant to the provisions of this article.

(6) The applicant is the spouse of a person ineligible for a license pursuant to the provision of Subsections (b)(2) and (3) of this section or who, in the judgement of the Council, is not the real party in interest or beneficial owner of the business to be operated, under the license.

(7) The applicant fails to provide any information required on the application or provides false or misleading information. Any false statement on an application, or any willful omission of any information called for on such application form, shall cause an automatic refusal of license, or if already issued, shall render any license issued pursuant thereto void and of no effect to protect the applicant from prosecution for violation of this Chapter or any part thereof.

(c) No license shall be granted or renewed for operation on any premises on which real estate taxes, assessments, or other financial claims of the City or of the State are due, delinquent, or unpaid.

Section 316.06 PROHIBITED ACTS.

(a) *In general.*

(1) No person shall sell or offer to sell any licensed product:

(i) By means of any type of vending machine.

(ii) By means of self-service merchandising.

(iii) By any other means, to any other person, on in any other manner or form prohibited by state or other local law, ordinance provision, or other regulation.

(2) No person shall sell or offer for sale a product containing THC that does not meet all the requirements of Minnesota Statutes, section 151.72, subdivision 3.

(b) *Legal Age.* No person shall sell any licensed product to any person under the age of 21.

(1) *Age verification.* Licensees shall verify by means of government issued photographic identification that the purchaser is at least 21 years of age.

(2) *Signage.* Notice of the legal sales age and age verification requirement must be posted prominently and in plain view at all times at each location where licensed products are offered for sale. The required signage, which will be provided to the licensee by the City, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

(c) *Samples Prohibited.* No person shall distribute samples of any licensed product free of charge or at a nominal cost.

Section 316.07 RESPONSIBILITY.

All licensees are responsible for the actions of their employees in regard to the sale, offer to sell, and furnishing of licensed products on the licensed premises. The sale, offer to sell, or furnishing of any licensed product by an employee shall be considered an act of the licensee. Nothing in this section shall be construed as prohibiting the City from also subjecting the employee to any civil and/or criminal penalties that the City deems to be appropriate under this ordinance, state or federal law, or other applicable law or regulation.

Section 316.08 COMPLIANCE CHECKS AND INSPECTIONS.

All premises licensed under this Chapter shall be open to inspection by the City during regular business hours. From time to time, but at least once per year, the City shall conduct compliance checks.

No person used in compliance checks shall attempt to use a false identification misrepresenting their age. All persons lawfully engaged in a compliance check shall answer all questions about their age asked by the licensee or their employee, and produce any identification, if any exists, for which they are asked. The City will conduct a compliance check that involves the participation of a person under the age of 21 to enter the licensed premises to attempt to purchase the licensed products. Persons used for the purpose of compliance checks shall be supervised by law enforcement or other designated personnel. Nothing in this Chapter shall prohibit compliance checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular State or Federal law.

Additionally, from time to time, the City will conduct inspections to determine compliance with any or all other aspects of this ordinance.

Section 316.09 VIOLATIONS AND PENALTY.

- (a) *Administrative Civil Penalties—Individuals.* If a person who is not a licensee is found to have violated this Chapter, the person shall be subject to an administrative penalty of \$250.00
- (b)
 - (b) *Licensee.* If a licensee or an employee of a licensee is found to have violated this Chapter, the licensee shall be subject to the following minimum administrative penalties:
 - (1) *First Violation.* The Council shall impose a civil fine of \$1,000.00.
 - (2) *Second Violation Within 36 Months.* The Council shall impose a civil fine of \$2,000.00 and suspend the license for not less than 3 consecutive days.
 - (3) *Third Violation Within 36 Months.* The Council shall impose a civil fine of \$2,000.00 and suspend the license for not less than 7 consecutive days.
 - (4) *Fourth Violation Within 36 Months.* The Council shall revoke the license for at least one year.
- (c) *Misdemeanor Prosecution.* Nothing in this section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this Chapter.

Section 316. 10 EXCEPTIONS

The following businesses are not required to apply and hold a THC product sales license:

- (a) Medical providers that prescribe or sell THC products to their patients. Medical providers are not allowed to sell THC products in-person to the general public without meeting all of the requirements of this Chapter.
- (b) Wholesalers and Manufacturers of THC products that sell THC products over the Internet or by mail through business to business transactions .

Wholesalers and Manufacturers are not allowed to sell THC products in-person to the general public without meeting all of the requirements of this Chapter.

- (c) Retailers who exclusively sell THC products over the Internet or by mail. Retailers are not allowed to sell THC products in-person to the general public without meeting all of the requirements of this Chapter.

Section 316.11 SEVERABILITY.

If any section or provision of this ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

Section 316.12 EFFECTIVE DATE.

This ordinance becomes effective upon passage and publication. (Ord. 1621, 11-07-2022)