

**AN ORDINANCE  
OF THE  
CITY OF MINNEAPOLIS**

**By Samuels**

**Amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: In General.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 259.10 of the above-entitled ordinance be amended to read as follows:

**259.10. Department of licenses and consumer services established; director to issue all licenses and license permits.** There is hereby established a department of licenses and consumer services under the supervision of a director of licenses and consumer services who shall be the chief inspector, licenses, weights and measures, which shall have all powers, duties and functions heretofore or hereafter authorized and directed by the city council by ordinance or otherwise which are now vested, imposed upon or required of:

- (1) The superintendent, licenses, weights and measures, the department of licenses, weights and measures or the division of licenses, weights and measures; and
- (2) The city clerk insofar as such powers, duties and functions extend to licenses or license permits issued for any purpose whatever.

All licenses or license permits, whether a license fee is or is not required, shall be issued by and through the director of licenses and consumer services and shall be signed by the director or in the director's name by a duly authorized employee under the director's supervision and control and shall not be required to be signed by the mayor or any other city officer, provided that all licenses or license permits for any purpose authorized or required by state law to be issued by other city officers shall be signed by such other city officers but shall be issued and countersigned by the director. A consolidated license certificate shall be issued to every grantee upon which the annual license or licenses ~~granted~~ issued shall be noted and the official seal attached, except in those cases when decal is prescribed or the application is for a permit or an identification card. The term "license" in Titles 10, 11, 13 and 14 of this Code shall be construed to include both a "license" and a "license permit," where applicable.

Section 2. That Section 259.15 of the above-entitled ordinance be amended to read as follows:

**259.15. Payment of taxes prerequisite to issuance, ~~renewal~~ of license.** No license or license permit shall be ~~granted, maintained, or renewed,~~ issued or maintained for operation on any premises, on which taxes, assessments or other financial claims of the city or of the state are due, delinquent or unpaid. In the event an action has been commenced pursuant to the provisions of Chapter 278, Minnesota Statutes, questioning the amount or validity of taxes, the council may, on application by the licensee, waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof, which remain unpaid for a period exceeding one (1) year after becoming due unless a payment plan has been entered into or the liability is under litigation or appeal.

Section 3. That Section 259.17 of the above-entitled ordinance be and is hereby repealed.

~~**259.17. Reinstatement fee following license revocation.** In addition to any other license fee required, the applicant shall pay a fee of one thousand dollars (\$1,000.00) upon application for a license following revocation of any license or provisional license previously issued by the city pursuant to this title to any of the following: the applicant; the person, partnership, or corporation in whose name the license is being sought; or to any person, partnership, or corporation which shares a beneficial interest in the business for which the license is being sought and a business for which a license or provisional license was previously revoked.~~

Section 4. That Section 259.20 of the above-entitled ordinance be amended to read as follows:

**259.20. One-year limit. License duration and application deadlines.** (a) No license or license permit shall be issued for a longer period than one year.

(b) Unless otherwise provided in this Code, all licenses or license permits shall expire annually, with the date of the expiration of the licenses or license permits as specified in the ordinance specifically regulating the licensed activity. If no date is specified in such ordinance, a license or license permit shall expire on January first of each year.

(c) When a license or license permit has already been issued, the deadline for application for a subsequent year shall be 30 days prior to the expiration date of the existing license or license permit, unless: (1) another application deadline is specified in the ordinance specifically regulating the licensed activity; or (2) another application deadline is otherwise communicated in writing to the licensee by the department of licenses and consumer services. If the application deadline is not met, there may be a delay in issuing or denying the subsequent license or license permit. A person shall not operate an establishment or conduct an activity that must be licensed after the license or license permit has expired and a new license or license permit has not been issued.

(d) When a license, if issued, would be issued for a period of less than or equal to the last three months of an annual license, the director of licenses and consumer services may, based on only one application, issue a license for the remainder of the annual licensing year and also issue a license for one consecutive annual licensing year.

Section 5. That Section 259.30 (a) and (c) of the above-entitled ordinance be amended to read as follows:

**259.30. Applications for licenses; issuance of licenses.** (a) All applications for licenses and license permits shall be made to the director of licenses and consumer services, and in all cases where the issuance of a license or license permit is required to be authorized and directed by the city council, the application for such license or license permit shall be forthwith presented by the director to the council for its consideration. ~~License applications by the same applicant shall be made at the same time unless a new license is applied for.~~

(c) In the event that the director of licenses and consumer services denies the license application for a director approved license, the application for the license shall be presented by the director to the council for its consideration. The city council shall have the final authority to issue or deny a license which had been denied by the director.

Section 6. That Section 259.50 of the above-entitled ordinance be amended to read as follows:

**259.50. Application blanks Applications.** (a) All licensees shall apply for their licenses on an application form provided by the department of licenses and consumer services.

(b) The department of licenses and consumer services shall provide proper application ~~blanks forms~~ for all licenses, ~~these~~. ~~These blanks to~~ forms may contain questions relating to location, nature of business, building, sanitary and fire conditions, and any other questions that may be deemed necessary ~~to give full information to the city council, or provided for~~ as required in the appropriate chapter of this Code; and, in addition thereto, shall have proper spaces provided for the approval of the police department, the director of inspections, the zoning administrator, the commissioner of health, the chief of the bureau of fire prevention, and the waterworks department. Where similar information is required a single application shall may be used for more than one license.

Section 7. That Section 259.110 of the above-entitled ordinance be and is hereby repealed.

~~**259.110. Fire department investigation required.** Every application for a license or the renewal of an existing license for an occupation which is conducted in any building to which the public is invited shall be referred to the fire department. The fire department shall report to the council as to whether or not the building complies with the fire provisions of this Code, the state laws, and the rules and regulations of the fire department relative to fire prevention. No application for a license or for the renewal of any license for an occupation which is conducted in a building to which the public is invited shall be acted upon by the council until it has received the report of the fire department.~~

Section 8. That Section 259.120 of the above-entitled ordinance be and is hereby repealed.

~~**259.120. Inspections by fire department.** During the license year the fire department shall inspect the building or buildings in which occupations licensed by the council are carried on and to which the public is invited and if it finds that the laws of the State of Minnesota or the fire provisions of this Code, or the rules and regulations of the fire department are being violated in the use and occupancy of said building, it shall report such violation to the council, and upon the basis of the findings made, may withhold its approval of the renewal of said license. If the fire department shall withhold approval of the renewal of any license, the council may refuse to grant the renewal of a license for any occupation involving the use and occupancy of a building to which the public is invited.~~

Section 9. That Section 259.125 of the above-entitled ordinance be amended to read as follows:

**259.125. Business premise maintenance requirements.** All businesses, licensed under Titles 10, 11, 13 and 14 are required to maintain their business establishment and premises within the following minimum requirements:

- (1) Every business licensee shall inspect their premises from lot line to lot line, all adjacent streets, sidewalks and alleys adjoining their premise, and sidewalks and alleys within one hundred (100) feet of such premise lot lines and shall remove any litter and debris found there on a daily basis to prevent the accumulation of litter and debris.
- (2) All solid waste and recyclable materials shall be stored in refuse containers made of metal or approved plastic and shall be equipped with secure lids or covers, and such covers shall remain closed so as to prevent the intrusion of storm water or vermin.
- (3) Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure and not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses.

- (4) The buildings, fixtures, and grounds of all business premises shall be well maintained and in compliance with the UniBuilding Code of the State of Minnesota. Further, said facilities shall at all times be in compliance with the exterior maintenance standard of Chapter 85 of this Code, and the offensive condition standards of Chapter 227.90 of this Code.
- (5) Graffiti shall be promptly removed within the required timeframes established in Chapter 226.

Section 10. That Section 259.130 of the above-entitled ordinance be amended to read as follows:

**259.130. License prohibited without required approvals.** (a) No license shall be ~~granted or renewed~~ issued unless the application contains all the information required, together with the approval of the various departments charged with the duty of conducting the investigations and making the reports as above set forth, except as provided in section 259.132 relating to the issuance of a provisional license pending completion of site plan.

(b) Incomplete applications.

- (1) Except for applications for a license under Title 14 of this Code, any application for a license that does not contain all requested and/or necessary information shall be deemed incomplete. An application remaining incomplete for one hundred twenty (120) days may be administratively denied by the director of licenses. The director shall notify the applicant of any deficiencies at least thirty (30) days prior to administrative denial.
- (2) If the application remains incomplete after being given thirty-day notice, the director shall send written notice that the ~~application~~ license is denied. Applicants shall not be allowed to engage in any activities for which a license is required. Application fees shall not be refunded.
- (3) An applicant may, prior to denial, send a written request to extend the application deadline. The director may extend the deadline for good cause. An applicant may appeal a license or extension denial to the city council within ten (10) days of notification of the denial.

Section 11. That Section 259.132 of the above-entitled ordinance be amended to read as follows:

**259.132. Provisional license pending completion of site plan.** (a) The city council may grant a provisional license to an applicant for an existing business operation that was previously licensed in the name of another person when the location of that business operation is not being changed, under the following circumstances:

- (1) The application for the license contains all required information and department approvals except that the zoning administrator has determined that the property at which the applicant's business is located has not fulfilled the requirements of Chapter 530, Site Plan Review.
- (2) No previous license, provisional license, or zoning approval ~~granted~~ issued by the city and held by the applicant has been revoked.

(3) No previous site plan approved by the city with respect to the subject property has been revoked.

(4) The subject property is in compliance with any interim deadlines and conditions established by a site plan approval that has been granted but for which the deadline for full implementation has not yet occurred.

(b) A provisional license shall be effective for four (4) months following the date of issuance, subject to the following exceptions and limitations.

(1) Upon notification by the zoning administrator that an application and application fee for site plan review for the subject property pursuant to Chapter 530 has not been submitted to the zoning office within twenty (20) days of issuance of the provisional license, the director of licenses shall immediately revoke the provisional license.

(2) The director of licenses may extend the effective date of the provisional license for up to two (2) months if the zoning administrator determines that such additional time is necessary for completion of the site plan approval process.

(c) The city council, or the director of licenses and consumer services for a director approved license, shall issue a license in place of the provisional license, to expire at the end of the license year applied for, upon notification by the director of licenses and consumer services or the zoning administrator that site plan approval has been granted for the subject property and a performance bond for the site plan improvements has been obtained, if such bond is required pursuant to Chapter 530.

(d) The director of licenses and consumer services shall revoke the provisional license upon its expiration date and notification by the zoning administrator the site plan approval has not been granted for the subject property or that a required performance bond for site plan improvements has not been obtained.

(e) Revocation of a provisional license by the director of licenses and consumer services may be appealed to the city council. The appeal must be filed within ten (10) calendar days of the date of the decision by the director to revoke the license.

Section 12. That Section 259.135 of the above-entitled ordinance be amended to read as follows:

**259.135. License certificate to be posted in conspicuous place.** Where any provision of this Code requires a license ~~certificate~~ to do business in the City of Minneapolis, such license shall be posted in a conspicuous place of said business. For the purposes of this section, "conspicuous place" shall mean display of the license ~~certificate~~ on a wall of said business, clearly visible to customers if such licensed business is open to the public, or clearly visible to city investigators standing inside the doorway of the main office of any nonpublic licensed business. No other wall-hanging, certificate or article of any kind, unless otherwise provided in this section, shall be displayed within twelve (12) inches of the license required by this Code. When more than one (1) license ~~certificate~~ or license permit is required by this Code, said ~~certificates~~ or license or license permits may be displayed in close proximity of each other. In the event that a licensee is operating an establishment subject to specific conditions or operational specific requirements imposed by the licensing authority or agreed to by the licensee, those conditions and requirements shall be clearly posted with or alongside the license ~~certificate~~ in a format approved by the director of licenses and consumer services.

Section 13. That Section 259.180 of the above-entitled ordinance be amended to read as follows:

**259.180. Continuing bonds for licenses.** (a) Bonds for more than one year. Wherever under the terms of this Code an applicant for a license is required to furnish to the city a surety bond, and where the licensee intends to carry on this business for more than one license year and to ~~renew the~~ apply for a license annually, such licensee shall, at the time of obtaining the license required, furnish a bond to cover the current annual license and any future ~~renewals of it~~ annual licenses for such business.

(b) *Terms of bond.* The bond shall, in addition to other terms and conditions, contain the following:

"Provided, however, it is hereby expressly understood and agreed that nothing herein contained shall be deemed or construed to reduce the liability hereunder below the above stated penal sum for the said license period, and the like sum for each and every succeeding annual license period for which said principal shall be licensed, the same as if a new bond in the same sum were executed for each and every separate license period. It is further expressly understood and agreed that the liability of the surety hereon to any and all persons incurred in any one license period shall not exceed the above stated penal sum.

"It is further provided, that it is the intention of the parties that this bond is to be a continuing bond furnished as required for the issuance of the license for the current year and for each succeeding year. This bond may be cancelled at any time upon giving the said principal and the department of licenses and consumer services of the City of Minneapolis thirty (30) days' written notice, said notice to be served by registered mail, whereupon, except as to any liabilities or indebtedness incurred, or accrued, prior to the termination of this said thirty (30) days' notice, the liability of the surety under this bond shall cease."

(c) *Exception.* This section shall not apply to any bonds required for "off sale" liquor licenses.

Section 14. That Section 259.190 of the above-entitled ordinance be amended to read as follows:

**259.190. Determination of area where relevant to fee.** (a) *Manner of determining.* Where the provisions of this Code providing for the licensing of any trade, occupation or business provide that the license fee shall be determined by the area used in such trade, occupation or business, the determination of the area shall be by measuring, computing and taking into account all of the space actually used by the applicant in the conduct of the trade, occupation or business, including, but not limited to, salesroom display or storage space, rooms, sanitary facilities required of the particular trade, occupation or business and all areas where goods, wares and merchandise used, furnished or sold are kept, stored or used in the particular business licensed by the city.

(b) ~~Renewals~~ Subsequent Licenses. Whenever any person who has been issued a license, in the issuance of which the area of the place of business must be determined pursuant to the terms of this Code, applies for ~~the renewal of the~~ a subsequent license, that person shall state in the application whether or not there have been any changes in the area used in the place of business. If the application shows that no changes have been made, then no new measurements or computations need be made for that license year.

Section 15. That Section 259.200 of the above-entitled ordinance be amended to read as follows:

**259.200. Name and address must be filed.** Every person, firm, partnership or corporation conducting any trade, business, profession or occupation or any multiple dwelling, wherein a license or license permit or registration is required, shall file with the office of the director of licenses and consumer services or the director of inspections, or other appropriate department, a statement designating the name and address of the person authorized to receive citations, tags or notices from the city.

Section 16. That Section 259.220 of the above-entitled ordinance be amended to read as follows:

**259.220. Failure to comply with name and address filing.** Failure to comply with sections 259.200 and 259.210 shall be grounds for revocation of the license, ~~permit or registration~~ or the license permit.

Section 17. That Section 259.240 of the above-entitled ordinance be amended to read as follows:

**259.240. Control of shopping carts.** (a) *Control of shopping carts.* Each business or other entity which is licensed to do business under the provisions of this Code, which provides wheeled shopping carts to its customers for their use and which permits the removal of those shopping carts from their building(s) or other enclosed area or acquiesces in the removal of those shopping carts from their building(s) or other enclosed area shall, as a condition of their license, have the following general responsibilities to the licensor:

- (1) To control such shopping carts when outside a building or other enclosed area but on the licensee's property or common areas shared by the licensee so they do not become a hazard to traffic or a nuisance to the public generally.
- (2) To label such carts with the name and address of their business.
- (3) To make reasonable efforts to provide for the timely return of such shopping carts to their premises. Nothing in this section shall create a legal duty to anyone but the licensor.

(b) *Specific duties to pick up shopping carts.* Each business or other entity which is licensed to do business under the provisions of this Code, which provides wheeled shopping carts to its customers for their use, permits such shopping carts to be removed from its building(s) or other enclosed area or acquiesces in such removal from its building(s) or other enclosed area and which has failed to comply with its responsibilities pursuant to paragraph (a) as determined by the director of licenses shall, in addition to the responsibilities provided in paragraph (a) have the following additional responsibilities:

- (1) To prepare and file with the department of licenses and consumer services a written plan to control shopping carts. This plan shall detail all reasonable and necessary steps to control shopping carts which have been removed from its building(s) and other enclosed area by customers with the permission and/or acquiescence of the licensee and which have then left the property of the licensee. The director, or the director's designee, shall review the plan to determine if it is sufficient to meet the goals of this section. If in the judgment of the director or the director's designee, the plan is sufficient

to meet the goals of this section, the plan shall be approved by the director or the director's designee. If the plan is not sufficient to meet the goals of this section, the plan shall be revised by the licensee until it obtains the approval of the director or the director's designee. Each licensee shall comply with its approved cart control plan. If the director, or the director's designee, determines that a cart control plan which has been approved is not adequate or determines that the licensee is not in compliance with its approved plan, the director, or the director's designee, may require the licensee to submit a new plan or state in writing the steps that will be taken to fully comply with the existing plan.

- (2) The cart control plan shall include a commitment to search the area within one-half ( 1/2) mile radius of the business premises every day to pick up each wheeled shopping cart owned by the business and return it to the business premises or other secured location controlled by the licensee. The licensee is not required to enter private property to fulfill this responsibility. The area required to be searched and the number of daily searches to be conducted may be increased, as determined by the director, or the director's designee, in order to meet the goals of this section.

(c) *Requirement for businesses near light rail transit stations.* Effective December 31, 2002, all licensed businesses located within a one-half ( 1/2) mile radius of a light rail transit station shall be required to provide a method to prevent shopping carts from leaving the building(s), except when under the control of the business' personnel, or provide an automatic locking device to prevent shopping carts from being removed from the business property.

(d) *Enforcement.* Failure to comply with any of the provisions of this section may subject a license holder to a citation, administrative penalty, or in extenuating circumstances, license revocation, suspension or ~~non-renewal~~ or non-issuance of a future license in accordance with the procedures established by the city council.

Section 18. That Section 259.250 of the above-entitled ordinance be amended to read as follows:

**259.250. Business license management responsibilities.** The following minimum standards and conditions shall be met in order to hold a license, provisional license or license permit under Titles 10, 11, 13 and 14 of this Code. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation or suspension of said license or license permit.

- (1) It shall be the responsibility of the licensee to take appropriate action to prevent further violations following conduct by any persons on the business premises, including parking areas, in violation of any of the following statutes or ordinances:
  - a. Minnesota Statutes, Sections 609.75 through 609.76, which prohibit gambling.
  - b. Minnesota Statutes, Sections 609.321 through 609.324, which prohibits prostitution and acts relating thereto.
  - c. Minnesota Statutes, Sections 152.01 through 152.025 or Section 152.027 subdivisions 1 and 2, which prohibit the unlawful sale or possession of controlled substances.

- d. Minnesota Statutes, Sections 617.23 through 617.241, which prohibits indecent exposure and the exhibition and distribution of obscene materials or performances.
  - e. Minnesota Statutes, Section 609.33 or Section 385.170(b)(1) of this Code, which prohibit owning, operating, managing, maintaining or conducting a disorderly house, and inviting or attempting to invite others to visit or remain in a disorderly house.
  - f. Section 389.65 of this Code, which prohibits noisy assemblies.
  - g. Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716 and Section 393.40, 393.50, 393.70, 393.80, 393.90 and 393.150 of this Code, which prohibits the unlawful possession, transportation, sale or use of a weapon.
  - h. Minnesota Statutes, Section 609.72 and Section 385.90 of this Code, which prohibits disorderly conduct.
  - i. Sections 385.80 and 385.50 of this Code, which prohibit lurking and loitering.
  - j. Minnesota Statutes, Sections 609.74 and 609.745, which prohibit public nuisance and permitting a public nuisance.
  - k. Minnesota Statutes, Sections 609.50, which prohibits obstructing legal process, arrest, or firefighting.
  - l. Any other criminal activity arising out of the conduct of the business.
- (2) It shall be the responsibility of the licensee to maintain and operate the business in compliance with all applicable laws and ordinances, including the zoning, fire, environmental health, environmental management, license, food, liquor, housing and building codes.
- (3) The licensee is directly and vicariously responsible for any violations on the premises, including parking areas, by any employees, independent contractors, other persons hired by the licensee, or otherwise under the supervision or management of the licensee.
- (4) It shall be the responsibility of the licensee to provide adequate security to prevent criminal activity, loitering, lurking and disorderly conduct on the business premises, including parking areas.
- (5) A licensee shall be required to pay all delinquent court judgments arising out of their business and business operations.
- (6) Areas of the premises that are not regularly monitored by employees or security shall not be accessible to patrons, customers, or the public.
- (7) Vending and other unattended coin operated machines shall be in plain view of employees and shall not be operable during hours the business is not open to the public and in operation. Public pay telephones shall be operated in full compliance with Chapter 264 of this Code.

- (8) Parking and other outdoor areas of the premises accessible to the public shall be illuminated at an intensity of at least two (2) foot-candles per square foot at eighteen (18) inches above ground level.
- (9) It shall be the responsibility of the licensee to fully comply with all conditions of license or other operational specific requirements duly imposed by the licensing authority or agreed to by the licensee.
- (10) The licensee shall post the license certificate and any conditions of license in a manner that complies with section 259.135.
- (11) There shall be no fraud, misrepresentation, or bribery in securing or attempting to secure the license or license permit.
- (12) There shall be no false statements made or omissions of any material matter in any application for a license or license permit.
- ~~(9)~~ (13) The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.