

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

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~~ Division of licenses and consumer services established functions; director licensing official 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 shall be a licensing official, designated by the director of community planning and economic development, who shall supervise the licensing and consumer services functions provided by this Code and who shall be the chief inspector, licenses, weights and measures, which shall have having 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.~~

As used in this Code, the term "licensing official" shall include the licensing official and any of the licensing official's authorized representatives, inspectors, agents or designees.

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~~ licensing official and shall be signed by the ~~director~~ licensing official or in the ~~director's~~ licensing official's name by a duly authorized employee under the ~~director's~~ licensing official'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~~ licensing official. A consolidated license certificate shall be issued to every grantee upon which the annual license or licenses 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 of license. No license or license permit shall be issued or maintained for operation on any premises, on which taxes, assessments or other financial claims of the city, county or of the state or federal governments are due, delinquent or unpaid, nor shall any license or license permit be issued to or maintained by any applicant owing taxes, assessments, or other financial claims to the city or county or to the state or federal governments which 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 259.20 of the above-entitled ordinance be amended to read as follows:

259.20. 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 licensing official ~~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 licensing official ~~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 4. That Section 259.30 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 licensing official ~~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 licensing official ~~director~~ to the council for its consideration.

(b) ~~Director~~ *Staff approved licenses* means those licenses which can be approved and issued by the licensing official ~~director of licenses and consumer services~~, subject to the procedures required by these chapters. The following licenses can be approved and issued or denied by the licensing official ~~director~~, or the licensing official ~~director~~ may refer the application to the city council for approval or denial. The number following the license refers to the chapter section pertaining to each license.

TABLE INSET:

Antique Dealer--Class A and B	Chapter 321
Auction	Chapter 271
Bed and Breakfast	Chapter 297
Bowling Alley	Chapter 267
Bulk Gas and Oil Storage	Chapter 287
Car Wash	Chapter 265
Carnival	Chapter 267
Charitable Gambling	Chapter 268
Children's Rides	Chapter 267
Christmas Trees Dealer	Chapter 279
Circus	Chapter 267
Courtesy Bench	Chapter 283
Dance Hall	Chapter 267
Dancing School	Chapter 285
Dry Cleaner--Flammable, Non-Flammable, Pick-up Station, Dry Cleaning Plant Laundry	Chapter 301
Exhibition Exhibitor	Chapter 321
Exhibition Operator Class A, B, and C	Chapter 321

Farm Produce Permit	Chapter 265
Farm Produce Permit--Non Profit	Chapter 265
Fire Extinguisher Servicing--Class A and B	Chapter 289
Flower Cart Vendor	Chapter 331
Flower Cart Vendor, Midseason Transfer	Chapter 331
Food--Confectionary	Chapter 188
Food--Boarding House	Chapter 188
Food--Caterer	Chapter 188
Food--Distributor--Out of Town	Chapter 188
Food--Distributor	Chapter 188
Food--Drive In	Chapter 188
Food--Drive In Restricted	Chapter 188
Food--Indoor Food Cart Vendor	Chapter 188
Food--Institutional Food	Chapter 188
Food--Grocery	Chapter 188
Food--Grocery Specialty	Chapter 188
Food--Grocery and Portable Store	Chapter 295
Food--Kiosk	Chapter 188
Food--Limited Mobile Food Vendor	Chapter 188
Food--Manufacturer	Chapter 188
Food--Market Distributor	Chapter 201
Food--Market Manufacturer	Chapter 201
Food--Meat Market	Chapter 190
Food--Mobile Food Vendor	Chapter 188
Food--Municipal Market	Chapter 202
Food--Public Market	Chapter 201
Food--Restaurant	Chapter 188
Food--Sidewalk Cart Food Vendor	Chapter 188
Food--Soft Drink Manufacturing and Storage	Chapter 198
Food--Soft Drink	Chapter 188
Food Shelf	Chapter 188
Food--Short Term Food Permit	Chapter 188
Food--Short Term Food Permit, Seasonal	Chapter 188
Food--Vending Machine	Chapter 188
Fuel Dealer--Cash and Carry Only	Chapter 291
Gas Fitter--Class A and B	Chapter 278
Gasoline Filling Station	Chapter 287
Going Out of Business Sale (Regular, Fire, Smoke, Disaster, City Acquired Property)	Chapter 293
Heating, Ventilation and Air Conditioning Installers, Class A and B	Chapter 278
Hoofed and/or Small Animal Service	Chapter 304
Horse and Carriage Livery Service	Chapter 303
Hospital	Chapter 296
Hotel--Motel	Chapter 297
Ice Peddler	Chapter 299

Ice Producer--Dealer, Wholesale	Chapter 299
Juke Box--Musical	Chapter 267
Laundry	Chapter 301
Liquid Waster Hauler	Chapter 225
Mechanical Amusement Device	Chapter 267
Mechanical Amusement Places	Chapter 267
Milk & Grocery Delivery	Chapter 200
Milk Distributor	Chapter 200
Milk Delivery Vehicle	Chapter 200
Mobile Food--Prepackaged Perishable Food	Chapter 188
Motor Vehicle Immobilization Service	Chapter 320
Motor Vehicle Dealer	Chapter 313
Motor Vehicle Repair Garage	Chapter 317
Motor Vehicle Servicing--Towing	Chapter 349
Oil Burner Installer	Chapter 278
Parking Lot (Commercial, Class A, B, and C)	Chapter 319
Pedicab	Chapter 305
Peddler	Chapter 323
Pet Shop and Mobile Pet Shop	Chapter 68
Plumber	Chapter 278
Refrigeration Systems Installer	Chapter 278
Rental Hall, Temporary	Chapter 266
Residential Specialty Contractor	Chapter 277
Secondhand Dealer	Chapter 321
Shooting Gallery	Chapter 267
Sign Hangers	Chapter 277
Solicitor--Charitable, Company, and Individual	Chapter 333
Solid Waste Hauler	Chapter 225
Steam and Hot Water Installer	Chapter 278
Street Photographer	Chapter 335
Sun Tanning Facility	Chapter 232
Swimming Pools--Public	Chapter 231
Tattoo, Sponsor for Temporary Event (Establishment)	Chapter 339
Taxi Service Company	Chapter 341
Taxicab--Driver	Chapter 341
Taxicab--Limited	Chapter 341
Taxicab--Vehicle	Chapter 341
Theater	Chapter 267
Tobacco Dealer	Chapter 281
Transient Merchant	Chapter 343
Tree Servicing	Chapter 347
Valet Parking	Chapter 307
Wholesale Sausage Manufacturer and/or Distributor	Chapter 190
Wrecker of Buildings--Class A and B	Chapter 277

(c) In the event that the licensing official ~~director of licenses and consumer services~~ denies the license application for a staff ~~director~~ approved license, the application for the license shall be presented by the licensing official ~~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 licensing official ~~director~~.

(d) The licensing official ~~director of licenses and consumer services~~ may designate license applications that require the submission of a business plan containing the information required in section 362.120(z) of this Code.

Section 5. That Section 259.40 of the above-entitled ordinance be amended to read as follows:

259.40. Register to be kept. The licensing official ~~director of licenses and consumer services~~ shall keep a register of each license, license permit and identification card issued, the name of the person to whom the same is issued, and the date when issued, the number and date of expiration of the same and the amount paid therefor, and such other data as may be required by the appropriate chapter of this Code.

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

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

(b) The licensing official ~~department of licenses and consumer services~~ shall provide proper application forms for all licenses. These forms may contain questions relating to location, nature of business, building, sanitary and fire conditions, and any other questions that may be deemed necessary, or as required in the appropriate chapter of this Code. All such questions must be answered fully and truthfully by the applicant. Where similar information is required a single application may be used for more than one license.

Section 7. That Section 259.90 of the above-entitled ordinance be amended to read as follows:

259.90. Building investigation required. The building official ~~director of inspections~~ shall investigate and report to the city council as to whether or not all building regulations relative to the place in which the applicant is located, or intends to locate, have been complied with.

Section 8. That Section 259.100 of the above-entitled ordinance be amended to read as follows:

259.100. Fire prevention investigation required. (a) As used in this title, the term “fire marshal” has the meaning given to it pursuant to section 173.515.

(b) The fire marshal bureau of fire prevention shall investigate and report the facts to the city council as to whether the applicant has complied with all the ordinances and regulations governing the storage and sale of flammable merchandise, including the construction of the place or building in which such merchandise is stored or offered for sale.

Section 9. 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 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 ninety (90) ~~one hundred twenty (120)~~ days may be administratively denied by the licensing official ~~director of licenses~~. The licensing official ~~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 licensing official ~~director~~ shall send written notice that the 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 licensing official ~~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 10. 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 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 licensing official ~~director of licenses~~ shall immediately revoke the provisional license.
- (2) The licensing official ~~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 licensing official ~~director of licenses and consumer services~~ for a staff ~~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 licensing official ~~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 licensing official ~~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 licensing official ~~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 licensing official ~~director~~ to revoke the license.

Section 11. That Section 259.135 of the above-entitled ordinance be amended to read as follows:

259.135. License to be posted in conspicuous place. Where any provision of this Code requires a license 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 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 or license permit is required by this Code, said 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 in a format approved by the licensing official ~~director of licenses and consumer services~~.

Section 12. That Section 259.150 of the above-entitled ordinance be amended to read as follows:

259.150. License tags. Where any provision of this Code purports to require a license tag of metal or any other particular material, the licensing official ~~director of licenses and consumer services~~, may substitute some other suitable material for said license tag, card or badge. In other respects the provisions of this chapter are supplemental to the provisions of particular chapters dealing with particular licenses.

Section 13. That Section 259.160 of the above-entitled ordinance be amended to read as follows:

259.160. Certificate of insurance authorized. Wherever in any ordinance or provision of this Code licensing a trade, occupation or profession such ordinance requires the applicant to file with the licensing official ~~department of licenses and consumer services~~ an insurance policy, the applicant may file in lieu thereof a certificate of insurance, issued by an insurance company authorized to do business in the State of Minnesota, showing the existence in force of a policy or policies of insurance conforming to the requirements of the applicable licensing ordinance. Such certificate shall clearly set forth the name of the insurance carrier, the policy number, a description of the coverages, the limits of liability, period of coverage and any other requirements as set forth in each ordinance. There shall be attached to such certificate of insurance an endorsement which shall also be made part of the policy, and shall be in the form in each case made and provided by the licensing official ~~department of licenses and consumer services~~, and currently approved by the city attorney; and which endorsement shall describe and refer specifically to the insurance requirements of the applicable

ordinance and shall state that the policy of insurance is intended to comply with such insurance requirements. The licensing official ~~department of licenses and consumer services~~ shall examine and shall accept or reject any such certificates in its discretion notwithstanding any other requirement for approval by the city attorney of the insurance policy.

Section 14. That Section 259.170 of the above-entitled ordinance be amended to read as follows:

259.170. Return of revoked licenses. Whenever any license issued for any purpose under this Code is revoked for any reason whatever, the licensee shall forthwith return such license to the licensing official ~~director of licenses and consumer services~~, and it shall be the duty of the license inspector, police officer or other person notifying such licensee or person operating under such revoked license immediately to remove or cause to be removed such license from the wall or other place where such license shall be posted or exhibited and return such license to the licensing official ~~director of licenses and consumer services~~.

Section 15. 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 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 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 licensing official ~~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 16. 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 licensing official ~~office of the director of licenses and consumer services~~ or the building official ~~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 17. That Section 259.230 of the above-entitled ordinance be amended to read as follows:

259.230. Surveillance cameras. (a) *Purpose.* The city council finds that small businesses, business with off-sale liquor licenses, tobacco dealers, food confectionary stores, grocery stores and gasoline filling stations ~~automobile related facilities which offer convenience food, gasoline and other services~~ can become targets of opportunity for theft and violent crimes. The purpose of this section, to be known as the Magnus amendment, is to protect the public health, safety and welfare by increasing security for patrons and employees of these businesses by the use of surveillance cameras. Surveillance cameras will assist in deterring crime in and adjacent to such businesses and can provide information to assist the police in investigating crimes that do occur.

(b) *Security requirements.* Every ~~automobile convenience store, convenience food store,~~ grocery store, tobacco dealers, food confectionary stores and off sale liquor establishment as defined and/or regulated by Titles 10, 13, 14 and 20 of this Code ~~offering convenience food items~~ shall install a security camera system of a type, number and placement approved by the licensing official ~~director of licenses and consumer services~~ and/or Minneapolis Police Department.

(c) *Secured buildings.* ~~Convenience food store~~ Food confectionaries, tobacco dealers, off sale liquor stores, gasoline filling stations or grocery stores, as defined by Titles 10, 13, 14 and 20 of this Code that are situated within office, condominium, apartment or cooperative buildings shall be exempted from this section provided one of the following conditions exist:

- (1) The building has a security system providing limited public access; or

(2) The building has a surveillance camera system meeting the requirements of this section and a written agreement exists providing that the property owner or operator shall provide surveillance materials to the license holder upon request ~~provides a concierge, doorman, or security guard at the main public entry during all hours of store operation.~~

(d) *Materials and maintenance requirements.* The licensing official ~~director of licenses~~ shall have the authority to formulate and make readily available reasonable rules to fully implement this ordinance.

(1) ~~Type of cameras required~~ Digital recording method required. The camera(s) must be capable of producing a retrievable image on ~~film, tape or digital~~ recording video that can be made a permanent record and which can be ~~enlarged~~ viewed through projection or other means. ~~Cameras required by this section shall be 35-millimeter cameras or video taping surveillance cameras or~~ Camera(s) and digital video taping recording equipment and shall be maintained in proper working order and recording twenty-four (24) hours per day. The licensing official may, through written policy, require new types of surveillance equipment as recommended and approved by the police department. ~~at all times during all hours of operation of the business.~~

(2) *Signage required.* Said establishments shall post a conspicuous sign which states that the property is under camera surveillance.

(3) *Minimum standards.* The licensing official ~~director of licenses~~ shall have the authority to formulate and make readily available reasonable rules to fully implement this ordinance. Cameras shall be subject to periodic inspections by the licensing official ~~director of licenses or their designee~~ or member of the Minneapolis Police Department.

a. At least one (1) camera shall be positioned to record the frontal view of each person entering the business premises. This location shall be approved by the licensing official or the police department, who shall have authority to require a change in the positioning of any camera in order to achieve compliance with this section.

b. The license holder of any gasoline filling station shall position additional cameras to record activity in exterior areas, including the simultaneous fueling locations.

(4) *Management of film, videotapes or digital surveillance recording materials.* Said establishments shall maintain, ~~and make available, video tapes, film or digital material,~~ and provide surveillance recording materials to the licensing official ~~license and consumer services and Minneapolis Police Department~~ within eight (8) hours of any request. The establishment shall

maintain surveillance recording materials for a periods of one month within the recording system before reusing materials overwriting or destruction. Videotapes and film shall be marked with the day of the month the material was used. Digital recording materials shall be marked with the accurate time and date in a method that does not interfere with the image being recorded. The establishment shall retain one blank tape, film or digital material to be used if the other material is taken by the license or police departments or if the other material fails. All video tapes shall be replaced after being used twelve (12) times. Proprietary formats must have appropriate player software included with all requested video copies. Copies may be created on CD, DVD, USB or any other functional digital media recommended by the manufacturer of the installed equipment.

~~(e) *Effective date.* Changes to the ordinance shall take effect on January 31, 2006 for all existing businesses and immediately for all new business applicants or proposed businesses or when change of equipment is ordered by the licenses and consumer services department. Establishments utilizing video tapes, film or other previously-approved means of surveillance recording at the effective date of the amendments to this section requiring digital recordings must comply with the upgraded digital requirement on or before January 1, 2014.~~

(f) *Summary closure due to non-functional surveillance system.* The licensing official may order the emergency closure of any establishment subject to the requirements of this section that does not have a functional and compliant surveillance camera system in place within forty-eight (48) hours of written notice by the licensing official. Written notice placarded on the business premises shall constitute sufficient notice under this section. Upon request of the license holder, the licensing official shall conduct a hearing on the appeal of any such written notice within twenty-four (24) hours of such a request, to consider whether the order was issued properly and under what conditions the establishment may reopen, if any. The licensing official shall rule on the appeal at the close of the hearing. Upon verification by the licensing official that compliance with the requirements of this section has been achieved by the license holder, any emergency closure order shall be immediately abated.

Section 18. 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 licensing official ~~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 licensing official ~~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 licensing official ~~director or the director's designee~~, the plan is sufficient to meet the goals of this section, the plan shall be approved by the licensing official ~~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 licensing official ~~director or the director's designee~~. Each licensee shall comply with its approved cart control plan. If the licensing official ~~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 licensing official ~~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 licensing official ~~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~~ 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-issuance of a future license in accordance with the procedures established by the city council.

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MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 261 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: License Fees Generally.

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

Section 1. That Section 261.15 of the above-entitled ordinance be amended to read as follows:

261.15. 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 or license permit following revocation of any license, license permit, or provisional license previously issued by the ~~department of licenses and consumer services~~ licensing official 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, license permit or provisional license was previously revoked.

Section 2. That Section 261.30 of the above-entitled ordinance be amended to read as follows:

261.30. Refunds where license not granted. In case the license applied for, and deemed a complete application by the ~~director of licenses or the director's designee~~ licensing official, and is not granted, the fee paid shall be refunded to the applicant less a charge for processing the application as established in Appendix J, License Fee Schedule.

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**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 264 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Outdoor Pay Telephones.

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

Section 1. That Section 264.40 of the above-entitled ordinance be amended to read as follows:

264.40. ~~Director~~ Licensing official may designate problem pay telephone. The ~~director of licenses and consumer services~~ licensing official may designate a particular outdoor pay telephone located on the property of a licensee described in section 264.10 as a problem pay telephone, based upon evidence which possesses probative value commonly accepted by reasonable prudent persons in the conduct of their affairs that one or more of the following conditions exist:

(a) The telephone is regularly or frequently used to further the distribution of controlled substances, prostitution, or other criminal activity.

(b) The unrestricted use of the telephone contributes to loitering or congregation in the area or disturbs the peace, quiet, or personal safety of other persons in the area.

(c) The telephone is detrimental to the public safety.

(d) The telephone unreasonably interferes with the flow of pedestrians or vehicular traffic.

(e) The telephone unreasonably interferes with the use of crosswalks, traffic signs or signals, hydrants, or mailboxes.

(f) The telephone unreasonably interferes with the ingress or egress from any residence or place of business.

(g) The telephone is deemed by the traffic engineer to be a safety concern or hazard.

(h) Failure to provide information as required under section 264.80

(i) The telephone is considered excessive given the number of outdoor pay telephones already in the area and that the aggregate number of outdoor pay telephones contributes directly to any conditions listed in subdivisions (a) through (g) above.

Section 2. That Section 264.50 of the above-entitled ordinance be amended to read as follows:

264.50. Procedure for designation of a problem pay telephone. (a) Before issuing an order under subsection 264.50(b), the ~~director of licenses and consumer services~~ licensing official shall conduct an informal hearing to determine whether a particular pay telephone is a problem telephone, and if so, what measures can be taken to correct the condition. The informal hearing shall be preceded by at least ten days' written notice to the licensee and the owner of the outdoor pay telephone at the address indicated on the subject pay telephone describing the time, place, and subject matter of the hearing. The ~~director~~ licensing official may consider any evidence with probative value commonly accepted by reasonably prudent persons in the conduct of their affairs.

(b) Following the hearing, the ~~director~~ licensing official may issue an order to the licensee to take remedial measures, including but not limited to:

- (1) Requiring that the telephone be modified through use of existing technology to prevent persons from using the telephones to facilitate criminal activity.
- (2) Installing a lockup telephone.
- (3) Requiring that the telephone be modified to prohibit incoming calls.
- (4) Requiring the telephone be moved to a different location on the parcel.
- (5) Requiring that calls to pagers and/or cellular telephone numbers be blocked.
- (6) Restricting coin access.
- (7) Adding lighting.
- (8) Rendering the telephone inoperative during certain hours.
- (9) Temporarily removing or suspending the service of the telephone.
- (10) Changing the type of enclosure of the telephone.

(11) Posting a sign indicating that a telephone has been modified, if applicable.

(c) Upon establishing that a remedial measure(s) ordered by the ~~director~~ licensing official does not adequately remedy the problem created by the pay telephone and upon further reasonable notice to the parties involved, the ~~director~~ licensing official may issue an order for removal of the telephone.

(d) The ~~director~~ licensing official shall issue the order, if necessary, in writing addressed to the licensee at the address listed in its most recent license application and to the outdoor pay telephone owner.

Section 3. That Section 264.60 of the above-entitled ordinance be amended to read as follows:

264.60. Compliance with ~~director's~~ licensing official's order. Failure to comply with the ~~director's~~ licensing official's order restricting or removing an outdoor pay telephone shall be grounds to revoke, suspend, or refuse to renew the licenses held by the licensee. If a licensee fails to comply with the ~~director's~~ licensing official's order, the ~~director~~ licensing official shall refer the matter to the committee of the city council responsible for licenses, to consider such action against the licensee.

Section 4. That Section 264.65 of the above-entitled ordinance be amended to read as follows:

264.65. Replacement prohibited. No person may install an outdoor pay telephone on a building or grounds from which a telephone has previously been ordered removed by the director without first having obtained permission from the ~~director~~ licensing official.

Section 5. That Section 264.70 of the above-entitled ordinance be amended to read as follows:

264.70. List of prohibited locations. The ~~director~~ licensing official shall maintain and make available on request a list of locations where installation of outdoor pay telephones is prohibited.

Section 6. That Section 264.75 of the above-entitled ordinance be amended to read as follows:

264.75. Installation and maintenance standards. Each outdoor pay telephone shall:

(a) Comply with all rules and regulations of the Minnesota Public Utilities Commission (PUC) and all local, state and federal regulations.

(b) Comply with all applicable federal, state, and local laws and regulations concerning the use of pay telephones by disabled persons.

(c) Be maintained in a neat and clean condition, free of graffiti and handbills and in good repair. Graffiti shall be cleaned and handbills removed or telephone cleaned within two (2) business days of notification by the ~~director or his or her representative~~ licensing official.

Section 7. That Section 264.80 of the above-entitled ordinance be amended to read as follows:

264.80. Information required. Upon request by the ~~director of licenses and consumer services, or his or her representative,~~ licensing official, a licensee shall supply, or cause a pay telephone company to supply, information regarding usage patterns of an outdoor pay telephone and the contractual arrangement under which an outdoor pay telephone is operated. The usage information requested shall not include information that violates ~~wire tapping~~ wiretapping or privacy statutes unless requested by subpoena. Failure to provide the requested information shall be grounds for:

- (a) Designation of the telephone as a problem pay telephone; and/or
- (b) An order for removal of the telephone; and/or
- (c) Denial of a business license where the telephone is located.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 265 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Special Permits for Specific Businesses and Uses.

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

Section 1. That Section 265.250 of the above-entitled ordinance be amended to read as follows:

265.250. Licenses. No person, copartnership or corporation shall operate a car wash without first obtaining a license for such operation pursuant to application made in the form prescribed by the ~~department of licenses and consumer services~~ licensing official. In order to be eligible for such a license for an existing car-wash establishment the applicant must comply with the standards and rules established by the city engineer. The license of any licensee may be revoked for failure to comply with such standards and rules.

Section 2. That Section 265.280 of the above-entitled ordinance be amended to read as follows:

265.280. Authorized; permit required. (a) Any licensee under Chapter 188, 362 or 366 of this Code who is licensed to sell food, beer or liquor for consumption on designated premises may apply to the city council by and through the ~~department of licenses and consumer services~~ licensing official for a special permit to conduct a portion of such licensed business in a sidewalk café on a part of the public way immediately adjoining the licensed premises. Such permit shall be valid for one year from the date of council approval.

(b) To the extent authorized in any such special permit granted under the provisions of this article, the permittee may conduct such licensed business on the public way, notwithstanding the provisions of sections 186.40, 364.40, 368.40 and 427.130 of this Code.

Section 3. That Section 265.310 of the above-entitled ordinance be amended to read as follows:

265.310. Insurance. No permit authorized by this article shall be effective until the applicant therefor has filed with the ~~director of licenses and consumer services~~ evidence licensing official of insurance insuring the applicant against liability imposed by law arising out of the ownership, maintenance or operation of such sidewalk café in amounts of at least fifty thousand dollars (\$50,000.00) for the injury or death of one person, three hundred thousand dollars (\$300,000.00) for the injury or death of two (2) or more persons, and ten thousand dollars (\$10,000.00) for damage to property. The city shall be named as an additional named insured in the policy providing such insurance, and such policy shall further provide that it may not be canceled except upon ten (10) days' written notice filed with the ~~director of licenses and consumer services~~ licensing official.

No permit issued pursuant to the provisions of this article shall be valid at any time the insurance required herein is not maintained and evidence of its continuance filed with the ~~director of licenses and consumer services~~ licensing official.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 266 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Rental Halls.

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

Section 1. That Section 266.50 of the above-entitled ordinance be amended to read as follows:

266.50. Application required/contents of application. An applicant for a rental hall license shall make application on the forms furnished by the ~~license division~~ licensing official and shall provide all other information deemed necessary by the ~~director~~ licensing official, including:

- (1) The full name of the applicant, date of birth, and current residential address.
- (2) The applicants' social security number and Minnesota business identification number, as required by Minnesota Statutes, Section 270.72. For purposes of this requirement, "applicant" means an individual if the license is sought for or in the name of an individual or a corporation or partnership if the license is sought for or in the name of a corporation or partnership. "Applicant" also means an officer or director of a corporation, a member of a partnership, or an individual who is liable for delinquent taxes.
- (3) Proof of ownership of the property, including the full name(s), place(s), date(s) of birth and address(es) of all owners, partners or persons interested therein, including all on-site managers of the business; if a corporation, the state of incorporation; the name(s), place(s), date(s) of birth and address(es) of all officers and directors, and stockholders controlling at least ten (10) percent of the outstanding shares issued.
- (4) A scaled diagram of the premises clearly showing the floor plan and the location of the building or buildings, and the part or portion thereof

intended to be used in the conduct of such business and under such license.

- (5) The source of funds used to purchase property and begin operation of the rental hall and all documentary proof and evidence thereof including leases, contracts, purchase agreements, and financial statements.
- (6) The kind, name, and location of every business or occupation the applicant has been engaged in during the preceding ten (10) years and the street address(es) at which the applicant has lived during the preceding ten (10) years.
- (7) The nature of the business to be conducted.
- (8) Proof of insurance as required by section 266.60(i).
- (9) A business plan is required for approval of this license that contains the following elements:
 - a. Hours of operation for the licensed premises as allowed by zoning;
 - b. A security plan that describes the security features, including personnel and equipment, that the applicant will employ and how they will be utilized;
 - c. Description of how the applicant will maintain the orderly appearance and operation of the premises with respect to litter and noise;
 - d. Such other reasonable and pertinent information as the city council may require;
 - e. An applicant shall promptly notify the ~~director~~ licensing official, in writing, of any amendment to the submitted business plan.

Section 2. That Section 266.55 of the above-entitled ordinance be amended to read as follows:

266.55. Public hearing required. Upon the filing of the application, the ~~director of licenses and consumer services~~ licensing official shall refer the application to its standing committee on licenses for consideration and the conduct of a hearing thereon. The ~~director of licenses and consumer services~~ licensing official shall notify by mail all residents, to the extent such notice is feasible, and property owners within three hundred (300) feet of the proposed rental hall of the time and place at which such application shall be considered by the committee. Said notice shall go to all owners of record of property as identified in the records of the Hennepin County Department of

Property Taxation. The ~~director~~ licensing official shall also notify the appropriate neighborhood group(s) and business association(s) of the time and place of the hearing.

Section 3. That Section 266.60 of the above-entitled ordinance be amended to read as follows:

266.60. Operating requirements, regulations. Rental halls licensed under this chapter shall be operated in conformance with the following requirements:

- (1) A current certificate of occupancy;
- (2) Maintained in a clean and sanitary manner, well-ventilated and adequately lighted;
- (3) A written, signed lease is required for all events for which a rental hall license is required.
 - a. All lease agreements shall be kept on file at the licensed rental hall for a period of one (1) year after the date of the event and made available to a ~~license inspector~~ licensing official or police officer upon request.
 - b. All lease agreements shall be maintained along with and accompanied by the following information:
 1. The name(s), telephone number(s) and residential address(es) of the person(s) leasing the rental hall and of the contact person for the event;
 2. The nature of the event and the estimated number of attendees;
 3. The hours during which the lessee has use of the rental hall and the specific hours of the event;
 4. The type and amount of entertainment offered/allowed by the lessee.
- (4) The licensee shall have a designated manager who is an employee of the licensee on the premises at all times the hall is utilized or leased.
- (5) The licensee shall provide adequate security for each event based upon the number of attendees and the nature of the event. At least one security guard licensed pursuant to Minnesota Statutes, Section 326.32 et seq. shall be present in and at the rental hall premises at all times during an event attended by fifty (50) or more people, if beverage alcohol is present, or if guests dance to live or recorded music.

- a. A licensee may apply to the ~~director~~ licensing official for an exemption from the minimum security requirement for individual events. The applicant shall include all information deemed necessary by the ~~director~~ licensing official and be submitted at least fourteen (14) days prior to the event. The ~~director~~ licensing official shall have discretion to grant, impose reasonable conditions, or deny the exemption request, considering the nature of the event, the licensee's experience and demonstrated management capabilities, and any other relevant factors.
- (6) All events must be conducted in strict compliance with all applicable federal, state and local laws and ordinances including, but not limited to, any law relating to zoning, building maintenance, fire prevention, liquor, health or safety.
- (7) The licensee shall take appropriate action to prevent violations of law by persons attending events for which a license is required. The licensee shall not allow persons engaging in disorderly or illegal behavior to enter or remain on the rental hall premises.
- (8) The certificate of occupancy, occupant load certificate, hours of operation and the license certificate issued under this chapter shall at all times be posted in a conspicuous place on the premises.
- (9) The licensee shall submit proof to the license division that general liability insurance in the following amounts is in full force and effect: personal injury—Two hundred thousand dollars (\$200,000.00) per claim/six hundred thousand dollars (\$600,000.000 (aggregate) and property damage—Fifty thousand dollars (\$50,000.00).
- (10) Unless also licensed pursuant to this chapter, the lessee of a rental hall shall not sublease the premises to any other person nor shall the rental hall licensee allow such subletting.
- (11) The licensee shall report to the respective police precinct all events involving both dancing by guests and live or recorded music, at least five (5) business days prior to the event.
- (12) Pre-purchased tickets and ticket sales at the door are not allowed. Non-profit events (i.e.: political fundraiser or a registered charitable program in compliance with all state statutes) held at a rental hall are allowed to be open to the general public and have pre-purchased tickets and ticket sales at the door.
- (13) Alcohol is allowed to be present at a rental hall under the following conditions:

- a. It is provided by the host of the event or function for the guests and it is not sold to guests or anyone else; or
- b. It is provided with a temporary alcohol license issued by the City of Minneapolis.

Section 4. That Section 266.70 of the above-entitled ordinance be amended to read as follows:

266.70. Temporary license authorized. Premises that are used as rental halls fewer than five (5) days per year are eligible for a temporary rental hall license. The applicant must submit a complete application at least fourteen (14) days prior to the event. The fee for each event shall be as established in Appendix J, License Fee Schedule. The ~~director of licenses and consumer services~~ licensing official may issue the temporary license. An applicant for a temporary rental hall license must comply with all provisions of this chapter.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 267 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Amusements.

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

Section 1. That Section 267.140 of the above-entitled ordinance be amended to read as follows:

267.140. Application. Application for a license under this article shall be made to the ~~department of licenses and consumer services~~ licensing official in writing and shall state the name and address of the owner and the operator, the location of the premises, and whether the owner or operator has been convicted of a violation of Minnesota Statutes, Sections 617.291 through 617.297, or of a law of another state or federal law of similar effect.

Section 2. That Section 267.170 of the above-entitled ordinance be amended to read as follows:

267.170. Issuance of license. The ~~department of licenses and consumer services~~ licensing official shall upon application and payment of the annual license fee issue a license effective for ninety (90) days, or until the expiration date, or until notification of denial by the city council, whichever is less. The ~~department of licenses and consumer services~~ licensing official shall notify the city council of any license issued. The license shall become effective for the remainder of the license year except where the council denies the license within ninety (90) days of the application.

Section 3. That Section 267.490 of the above-entitled ordinance be amended to read as follows:

267.490. Application for license; issuance. Any person desiring to carry on any carnival in the city may file with the ~~director of licenses and consumer services~~ licensing official an application in writing to the city council. Such application shall be made on forms furnished by the ~~department of licenses and consumer services~~ licensing official and shall include the name, address and date of birth of the owner and of the manager; and the proposed location of the carnival and the dates on which and

the hours during which the carnival will be operated. The completed application shall be presented to the city council at its first meeting thereafter, and the city council may consider such application and in its discretion may grant or refuse to grant such license. No such license shall be issued unless authorized by the council.

Section 4. That Section 267.505 of the above-entitled ordinance be amended to read as follows:

267.505. Insurance required. Each applicant for a license under this chapter shall keep at all times in full force and effect a public liability insurance policy written by an insurance company authorized to do business in this state, in the following amounts: Not less than twenty-five thousand dollars (\$25,000.00) property damage; one hundred thousand dollars (\$100,000.00) for injury or death of one person; and five hundred thousand dollars (\$500,000.00) for injury or death for each occurrence. A copy of the policy or certificate of insurance shall be filed with the ~~department of licenses and consumer services~~ licensing official. The policy or certificate shall contain an endorsement as provided by section 259.160 of this Code of Ordinances. No cancellation of any insurance policy shall be valid except upon thirty (30) days' prior written notice to the city.

Section 5. That Section 267.580 of the above-entitled ordinance be amended to read as follows:

267.580. Application for license. Any person desiring to engage in the business of operating mechanical amusement devices shall apply in writing to the ~~department of licenses and consumer services~~ licensing official; such application shall contain the name of the applicant and, if a partnership or firm, the names of all partners or persons interested therein; if a corporation, the state of incorporation, the names of all officers and managers, together with the residence address of all persons named in the application, the business address of the applicant, and shall state whether or not any person named in the application has ever been convicted of any crime. Such application shall also contain the number of machines desired to be licensed and the location at which such machines will be kept and operated.

Section 6. That Section 267.620 of the above-entitled ordinance be amended to read as follows:

267.620. Licensee's identification required on machines. (a) The licensee shall permanently affix, in a conspicuous place on each machine licensed under this article, his or her name and either address or telephone number and shall keep the same legible.

(b) At the time a license is issued, the department of licenses and consumer services shall issue to the licensee a decal for each licensed machine. The decal shall show an assigned license number and the license year. Immediately after the issuance

of the license, the licensee shall permanently and conspicuously affix the decal to the appropriate machine.

Section 7. That Section 267.640 of the above-entitled ordinance be amended to read as follows:

267.640. Impounding of machines. Any machine found to be in noncompliance with section 267.620 of this article shall be impounded by the police department or the ~~director of the department of licenses and consumer services~~ licensing official, and any impounded machine may be reclaimed by the owner within thirty (30) days from the date of impounding and upon the payment to the city of costs sufficient to defray the expense of impounding and storage, and any reclaimed machine shall not be used except upon compliance with the terms of this article. If the machine is not reclaimed within the thirty (30) days above specified, it may be destroyed or disposed of at the discretion of the ~~director of licenses and consumer services~~ licensing official.

Section 8. That Section 267.650 of the above-entitled ordinance be amended to read as follows:

267.650. Replacement of lost decals. If a decal required by section 267.620 is lost or removed from the machine, the operator may obtain a replacement of the decal upon filing with the ~~department of licenses and consumer services~~ licensing official an affidavit setting forth the facts, and upon the payment of the fee as established in Appendix J, License Fee Schedule.

Section 9. That Section 267.861 of the above-entitled ordinance be amended to read as follows:

267.861. Class A licenses. (a) A Class A license shall be required of a place which is not licensed for the on-sale of liquor, wine or beer and which has more than six (6) amusement devices used or displayed for use. Except in the B-4 zoning district, no place with a Class A license shall be open for business to the public before 10:00 a.m. or remain open for business after 1:00 a.m. on any day.

(b) Each licensee holding a Class A license under this article shall strictly observe the following conditions. Failure to observe these conditions shall be grounds for suspension, revocation or refusal to renew said Class A license:

- (1) A manager at least twenty-one (21) years of age shall be on the premises at all times;
- (2) No cigarettes shall be sold on the premises, in vending machines or otherwise; however, this condition shall not apply if the licensee strictly observes a policy prohibiting all persons under eighteen (18) years of age from the premises. Before any Class A licensee may sell cigarettes on the premises, he or she shall file an affidavit with the application, and each

annual renewal application, indicating observance of such a policy. Upon a finding that the licensee has allowed persons under eighteen (18) years of age in the licensed premises, the ~~director of licenses and consumer services~~ licensing official shall order the licensee to cease the sale of cigarettes and remove cigarette vending machines;

- (3) The licensee shall pick up litter deposited by the patrons of the business upon public streets, sidewalks, alleys, and walkways in the immediate vicinity of all entrances and exits;
- (4) The licensee shall not knowingly permit patrons of the business to loiter or congregate in the immediate vicinity of the entrances and exits in a manner which disturbs the peace and quiet of other persons;
- (5) The licensee and employees and agents shall adhere to the provisions of section 395.50 of this Code relating to minors. No licensee, nor employees or agents, shall knowingly permit a minor to be present on the premises in violation of curfew laws, nor knowingly permit a person under the age of seventeen (17) years to be present on the premises when school is in session unless on a valid excused absence.

Section 10. That Section 267.862 of the above-entitled ordinance be amended to read as follows:

267.862 Class B licenses. (a) As used in this chapter, the term "restaurant" shall mean an establishment having appropriate facilities for seating at least twenty-five (25) guests at one time at tables where meals are regularly served to the general public, and which employs an adequate staff to provide the usual service to its guests, and which has gross sales during each fiscal year from the sale of food and beverages not containing alcohol in an amount not less than sixty (60) per cent of its total gross revenue from the sale of food and beverages.

(b) An establishment that is licensed for the on-sale of liquor, wine, or beer, which is a restaurant, and where six (6) or less amusement devices are used or displayed for use, shall obtain a Class B-1 license.

(c) An establishment that is licensed for the on-sale of liquor, wine, or beer which is not a restaurant, and where one or more amusement devices are used or displayed for use, and an establishment licensed for the on-sale of liquor, wine, or beer which is a restaurant and where more than six (6) amusement devices are used or displayed for use, shall obtain a Class B-2 license.

(d) Establishments holding a Class B-1 license shall observe the conditions set forth in (1) and (2) below. Establishments holding a Class B-2 license shall observe all of the conditions set forth below. Failure to observe these conditions shall be grounds for suspension, revocation or refusal to renew a license granted pursuant to this article:

- (1) A manager at least twenty-one (21) years of age shall be on the premises at all times.
- (2) The licensee and employees and agents shall adhere to the provisions of section 395.50 of this Code relating to minors. No licensee, or employees or agents, shall knowingly permit a minor to be present on the premises in violation of curfew laws, nor knowingly permit a person under the age of seventeen (17) years to be present on the premises when school is in session unless on a valid excused absence.
- (3) All amusement devices shall be kept in a separate room segregated from the rest of the premises by a physical barrier such as a wall or room divider. No service or consumption of alcoholic beverages shall be permitted within the segregated area where such devices are located. Except in the case of bowling centers, hotels, and motels, the separate room shall have a separate entrance/exit to and from the public street, sidewalk, mall or atrium.

(e) Upon the request of the ~~director of the department of licenses and consumer services~~ licensing official, a restaurant required to obtain a Class B license shall file an audit or statement of account showing that its gross revenues from the sale of food and nonalcoholic beverages meet the sixty (60) per cent requirement contained herein. The filing of a false or fraudulent audit or statement of account shall be grounds for revocation or suspension of any liquor, wine or beer license.

Section 11. That Section 267.920 of the above-entitled ordinance be amended to read as follows:

267.920. Notification to council member. Upon the filing of an application for any license under this article, the ~~department of licenses and consumer services~~ licensing official shall notify the council member of the ward in which the proposed premises are located.

Section 12. That Section 267.980 of the above-entitled ordinance be amended to read as follows:

267.980. Licensee's identification required on machines. (a) The licensee shall permanently affix, in a conspicuous place on each machine licensed under this article, his or her name and either address or telephone number and shall keep the same legible.

(b) At the time a license is issued, the ~~department of licenses and consumer services~~ licensing official shall issue to the licensee a decal for each licensed machine. The decal shall show an assigned license number and the license year. Immediately

after the issuance of the license, the licensee shall permanently and conspicuously affix the decal to the appropriate machine.

Section 13. That Section 267.1130 of the above-entitled ordinance be amended to read as follows:

267.1130. Application for license. Any person desiring to operate or conduct a place of entertainment shall apply to the ~~division of licenses and consumer services~~ licensing official for a license to do so, upon forms supplied by ~~it~~ the licensing official. The ~~division~~ licensing official shall present a copy of the application to the fire department for its report and recommendation. No license shall be issued except upon the approval of the city council. A complete application for a license hereunder shall contain all of the following:

- (1) The full name of the applicant, place and date of birth, and current residential address.
- (2) The full name, place, date of birth and address of the owner or proprietor of the building for which a license is desired.
- (3) The applicants' social security number and Minnesota business identification number, as required by Minnesota Statutes Section 270.72. For purposes of this requirement, "applicant" means an individual if the license is sought for or in the name of an individual or the corporation or partnership if the license is sought for or in the name of a corporation or partnership. "Applicant" also means an officer of a corporation, a member of a partnership, or an individual who is liable for delinquent taxes.
- (4) A scaled diagram showing the floor plan and the location of the building or buildings, and the part or portion thereof intended to be used in the conduct of such business and under such license.
- (5) The full name(s), place(s) and date(s) of birth, residential address(es) of all partners or persons interested therein, including the on-site manager of the business; if a corporation, the state of incorporation; the name(s), place(s) and date(s) of birth of all officers, directors and stockholders controlling at least ten (10) percent of the outstanding shares issues.
- (6) The nature of the business to be conducted.

Section 14. That Section 267.1155 of the above-entitled ordinance be amended to read as follows:

267.1155. Procedure for determining application. (a) The ~~director of licenses and consumer services~~ licensing official shall, within thirty (30) days, of receipt of a complete application, recommend to the city council that the application be granted

or denied. The city council shall act upon the recommendation within sixty (60) days of receipt.

(b) Judicial review of adverse license action must be by writ of certiorari to the court of appeals. A petition for a writ of certiorari must be filed with the court of appeals and served on the city not more than thirty (30) days after the party receives the final decision of the city council.

(c) The operational status of the applicant or licensee shall be maintained pending appeal. This status may be challenged at any time by motion to the district court. The district court may issue temporary injunctive or other temporary equitable relief as authorized by law. The district court shall issue an initial decision within fourteen (14) days of filing of the motion. The district court's order shall remain in effect until a final decision of the appeal is issued, unless otherwise modified by the district court or court of appeals.

Section 15. That Section 267.1310 of the above-entitled ordinance be amended to read as follows:

267.1310. Application for license; publication. Any person desiring a license shall apply in writing to the city council by filing such application with the ~~director of licenses and consumer services~~ licensing official. Such applications shall show, in addition to any other information required, the total square foot area of the proposed dance hall.

Section 16. That Section 267.1320 of the above-entitled ordinance be amended to read as follows:

267.1320. Objections to license. Any person desiring to object to the issuance of such license may file objections in writing with the ~~director of licenses and consumer services~~ licensing official, or may appear personally to present objections to the committee of the city council to which such application may be referred for consideration.

Section 17. That Section 267.1660 of the above-entitled ordinance be amended to read as follows:

267.1660. Application for license. A license to operate a shooting gallery shall be granted only upon application filed with the ~~director of licenses and consumer services~~ licensing official. All applications shall contain the name and address of the applicant, the length of time of residency in Hennepin County and whether or not the applicant is a qualified voter in Hennepin County. If the applicant is a firm or partnership, the application shall state the names and addresses of all persons constituting such firm or partnership, the length of time each has been a resident in Hennepin County, and whether or not each is a qualified voter of Hennepin County. If the applicant is a corporation, the application shall state its principal place of business, the full name of

such corporation, the state under whose laws it is incorporated, the full names and addresses of all officers and directors thereof, the length of time each has been a resident of Hennepin County and whether or not each is a qualified voter of Hennepin County. The application shall contain the address of the shooting gallery. The application shall further recite the type and caliber of arms proposed to be used, and shall contain a description of the manner and plan for stopping and controlling bullets or other ammunition proposed to be used.

Section 18. That Section 267.1690 of the above-entitled ordinance be amended to read as follows:

267.1690. Issuance of license. Upon the receipt by the ~~director of licenses and consumer services~~ licensing official of the application, and upon compliance by the applicant with all the regulations, conditions and terms of this article, and upon the payment of the fee, a license may be issued or denied, pursuant to section 259.30, to operate a shooting gallery at the location described in said application.

Section 19. That Section 267.1820 of the above-entitled ordinance be amended to read as follows:

267.1820. Application for license. Any person desiring a license under this article may file with the ~~department of licenses and consumer services~~ licensing official an application in writing. The application shall be in such form and require such information as the ~~department~~ licensing official deems reasonably necessary and shall contain the following:

- (1) The name and home address of the applicant;
- (2) The relationship of the applicant to the business;
- (3) The name and location of the business; and
- (4) The full name, residence address, date of birth and place of birth of each applicant, owner, manager, partner (if partnership), officer and director (if corporation), and other persons who will have charge, management or control of the business or the premises.

Section 20. That Section 267.1830 of the above-entitled ordinance be amended to read as follows:

267.1830. Insurance required. Each applicant for a license under this article shall file with the ~~director of licenses and consumer services~~ licensing official a public liability insurance policy or certificate of insurance from a company authorized to do business in Minnesota, insuring the applicant against any and all loss arising out of the use, operation or maintenance of the theater. The policy of insurance shall be in limits of not less than one hundred thousand dollars (\$100,000.00) for injury or loss to one

person, three hundred thousand dollars (\$300,000.00) for each occurrence, and fifty thousand dollars (\$50,000.00) property damage. The policy or certificate shall contain an endorsement as provided by section 259.160 under this Code of Ordinances. No cancellation of any insurance policy shall be valid except upon thirty (30) days prior written notice to the city. Failure to keep in full force and effect insurance required herein is grounds for revocation of the license.

Section 21. That Section 267.1845 of the above-entitled ordinance be amended to read as follows:

267.1845. Procedure for determining application. The ~~director of licenses and consumer services~~ licensing official shall, within thirty (30) days of receipt of the application, recommend to the city council that the application be granted or denied. The city council shall act upon the recommendation within sixty (60) days of receipt. In the event of denial, the ~~director of licenses and consumer services~~ licensing official shall institute proceedings for an injunction against further operation and shall assume the burden of proof in such judicial proceedings.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 268 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Lawful Gambling.

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

Section 1. That Section 268.60 of the above-entitled ordinance be amended to read as follows:

268.60. Permits for exempt organizations under Minnesota Statutes Section 349.166. Every organization seeking to conduct lawful gambling which is exempt from state licensing under Minnesota Statutes, Section 349.166 shall obtain a permit issued by the ~~director of licenses and consumer services~~ licensing official, subject to the following conditions:

- (a) The organization shall pay a permit fee per day as established in Appendix J, License Fee Schedule;
- (b) Permits for all classes of gambling activities may be approved;
- (c) Lawful gambling by an organization exempt from licensing under Minnesota Statutes, Section 349.166 may be conducted on the premises of a licensed on-sale liquor, wine or beer establishment, or a bottle club subject to the restrictions in this chapter relating to the conduct of gambling in on-sale establishments and bottle clubs;
- (d) Except as provided in subsection (c) above, the sale, consumption, and possession of intoxicating liquor at a gambling event by an exempt organization shall be prohibited, however, 3.2 beer may be served and consumed only under a valid temporary on-sale beer license;
- (e) The organization shall comply with all statutory requirements for an exempt organization, including the sixty-day notice requirement to the City of Minneapolis. The ~~director of licenses and consumer services~~ licensing official, when granting a permit to an exempt organization, may waive the sixty-day notice requirement.

Section 2. That Section 268.110 of the above-entitled ordinance be amended to read as follows:

268.110. Contribution of net profits to Minneapolis Family Fund. (a) ~~Beginning May 1, 1990, e~~Every nonqualified organization licensed by the Minnesota Gambling Control Board to conduct gambling in the City of Minneapolis shall contribute at least ten (10) per cent of its net profits from gambling to the Minneapolis Family Fund established in section 268.120 of this Code. Net profits means profits less amounts expended for allowable expenses.

(b) A "qualified organization" is an organization that has attained tax-exempt status under Section 501(c)(3) of the Internal Revenue Code by having:

- (1) Filed written application for tax-exempt status in the manner required by the Internal Revenue Service; and
- (2) Received written approval of tax-exempt status under Section 501(c)(3) from the Internal Revenue Services; and
- (3) Filed the documents referred to in (1) and (2) above with the department of health and family support; and
- (4) Filed with the department of health and family support an affidavit, signed under oath by an officer of the organization, verifying that the organization has tax-exempt status under Section 501(c)(3) and that such status has not been revoked or otherwise cancelled. An affidavit shall be filed at the time the organization originally applies to be a qualified organization and with each subsequent application to renew its gambling license.

A "nonqualified organization" is any organization that is not a qualified organization.

(c) Payments of ten (10) per cent of net profits shall be made on a monthly basis. Payments shall be due on the date upon which duplicate monthly Minnesota gambling tax returns and taxes are due to the City of Minneapolis for the previous month's gambling activity under section 268.100. Payment shall be made by separate check made payable to: Minneapolis Finance Officer—Family Fund. Payment shall be remitted to the ~~department of licenses and consumer services~~ licensing official, accompanied by the duplicate Minnesota Gambling Tax Return and schedules for the monthly reporting period covered.

(d) The city council shall disapprove any pending application for renewal or original issue of a premises permit for any nonqualified organization which fails to contribute ten (10) per cent of net profits to the Minneapolis Family Fund as required by this section. Further, the police license division may notify the Minnesota Gambling

Control Board of any nonqualified organization which has failed to contribute ten (10) per cent of its net profits to the Minneapolis Family Fund, and may request that the board revoke or suspend the organization's license during the license year. The city council shall not issue or renew, and may revoke or suspend, any on-sale or off-sale alcoholic beverage license, bottle club permit, or food license for any nonqualified organization which has failed to contribute ten (10) per cent of net profits to the Minneapolis Family Fund. The above remedies are not exclusive, and shall be in addition to any other powers and remedies provided by law.

Section 3. That Section 268.120 of the above-entitled ordinance be amended to read as follows:

268.120. Minneapolis Family Fund established. (a) There is hereby established a Minneapolis Family Fund (the "fund"). The fund is created pursuant to Minnesota Statutes, Section 349.213, Subdivision 1, to collect, administer, and disburse ten (10) per cent of the net profits derived from lawful gambling.

(b) The purpose of the Minneapolis Family Fund shall be to enhance and improve the quality of life for Minneapolis families. The fund will provide financial resources to programs located within the City of Minneapolis which enhance the developmental, economic, health, cultural, recreational, and educational opportunities for all family units and family members.

(c) The fund shall be administered by the department of health and family support department head or designee.

(d) No costs of administration shall be charged to the fund. All proceeds collected shall be disbursed under the provisions of this section.

(e) Disbursement of funds. Proceeds in the fund shall be disbursed in the following manner:

- (1) Twenty-five (25) percent to the Department of Health and Family Support for ongoing for support of the child care loan renovation program;
- (2) Twenty-five (25) percent to the Minneapolis Community Clinics for health care needs among family members of all ages within the City of Minneapolis;
- (3) Twenty-five (25) percent to Parents In Community Action (Head Start) for early childhood education needs within the City of Minneapolis;
- (4) Twenty-five (25) percent to discretionary distributions which further the mission and purpose of the Minneapolis Family Fund as described in the statement in subsection 268.120(b). These distributions shall be allocated by the city council at the time the CDBG budget is adopted annually.

Organizations licensed to conduct lawful gambling in the City of Minneapolis shall be eligible. The director of neighborhood services shall issue a request for proposals for the distribution of these funds, based upon the mission statement in subsection 268.120(b). Upon receipt of all proposals, the director of neighborhood services shall recommend one (1) or more organizations to receive distributions. In making recommendations, the director shall consider the services provided by other Minneapolis Family Fund recipients, to ensure that all areas of the city benefit from the fund. Services to elderly residents shall be considered eligible.

(f) Distributions from the Minneapolis Family Fund shall qualify as lawful purpose expenditures under Minnesota Statutes, Section 349.12, Subdivision 11.

(g) As a condition of receiving distributions from the Minneapolis Family Fund, each recipient organization shall maintain on file with the ~~department of licenses and consumer services~~ licensing official:

- (1) Verification of nonprofit status, copy of organizational bylaws, and articles of incorporation, if applicable;
 - (2) Current address;
 - (3) List of officers and directors;
 - (4) Previous year's budget and financial statement;
 - (5) Current balance sheet and income statement;
 - (6) A statement explaining how funds received from the Minneapolis Family Fund will be used.
- (h) Every organization which receives funds from the Minneapolis Family Fund shall file an annual accounting indicating how the funds were spent.
- (i) Every organization which receives funds from the Minneapolis Family Fund shall be deemed to have consented to an audit of its books and records by the City of Minneapolis to verify the proper use of the funds received.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 269 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Asphalt Shingle and Roofing Material Manufacture.

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

Section 1. That Section 269.20 of the above-entitled ordinance be amended to read as follows:

269.20. Application and investigation. Application for such license shall be made to the city council on forms supplied by it, which shall include a statement of the address where such manufacturing is to be conducted. Before the issuance of any such license, the ~~director of inspections~~ licensing official, the health inspector and the chief of the fire department shall be notified of the application therefor. If any such official, after proper investigation shall file objections, the city council, after a hearing thereon, may refuse for cause to grant or reissue such license.

Section 2. That Section 269.50 of the above-entitled ordinance be amended to read as follows:

269.50. Records required; change of address. Each such license shall be recorded in the office of the ~~director of inspections~~ licensing official, together with the business address of the licensee and the address where such manufacturing is conducted. The licensee shall immediately notify the ~~inspector of buildings~~ licensing official of any change of address or manufacturing operation.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 271 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Auctions and Auctioneers.

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

Section 1. That Section 271.30 of the above-entitled ordinance be amended to read as follows:

271.30. Application for license; qualifications of licensee. Any person desiring to carry on the business of auctioneer shall be of good moral character, and shall file with the ~~director of licenses and consumer services~~ licensing official an application upon a form to be prepared by the ~~director of licenses and consumer services~~ licensing official. Such application shall be under oath and shall contain the following information: The name of the applicant, the residence address of the applicant, and the place of business of said auctioneer, the name of the bonding company which has issued the bond required by the laws of the State of Minnesota, and the names of three (3) or more residents of the city who can vouch for the integrity and character of the applicant. Except as is provided by said Chapter 330, Minnesota Statutes, no person not a resident of the County of Hennepin shall be entitled to a license as an auctioneer in the city; and provided further that no license shall be issued to a person not a resident of Hennepin County unless the place of residence of such applicant authorizes the issuance of licenses to residents of the city on the same or similar basis as its own residents.

Section 2. That Section 271.90 of the above-entitled ordinance be amended to read as follows:

271.90. Special permit required. No license shall permit conduct of the business in any building or place in the city without a special permit therefor being first granted by the city council. Licenses granted auctioneers shall confer upon them the privilege of conducting auction sales anywhere in the city, except upon the sidewalks or streets thereof, ~~provided the consent of the council member of the ward in which the auctioneer proposes to conduct the auction shall first be obtained and filed with the city clerk.~~

Section 2. That Section 271.150 of the above-entitled ordinance be amended to read as follows:

271.150. Inventory required. ~~When filing council member's consent for each sale with the director of licenses and consumer services, the~~ The applicant shall also file with the licensing official an inventory stating the name and address of the person, partnership, firm or corporation who shall be the true owner of the merchandise to be sold, the address at which said sale will be held, the period of time during which the sale will continue, and the name of the person to be in charge of such sale, and said inventory shall contain a legible, orderly, detailed, complete and accurate descriptive list of the merchandise to be offered for sale at such auction, which inventory shall include only such merchandise as the applicant expects to include in such sale, located on the premises described or in any warehouse, except that it may include such undelivered merchandise as may have been ordered on a pending purchase order not later than thirty (30) days prior to the council member's consent; the regular wholesale price of the items (or lots of identical items) of merchandise to be sold at which the same had last been sold or offered for sale by the applicant, if applicant is a wholesaler; the regular retail price of the items (or lots of identical items) of merchandise to be sold at which the same have last been sold or offered for sale by the applicant if the applicant is a retailer; and insofar as reasonably possible on the basis of available record data regularly kept by the applicant, the date of acquisition of such goods, wares and merchandise and the persons from whom obtained. The inventory shall be verified under oath by the person or by the general managing officer or agent, person, firm or corporation owning the merchandise. No merchandise not described in the inventory shall be added to or included with that specified in the inventory filed with the ~~director of licenses and consumer services~~ licensing official, and no person shall offer for sale at any auction any merchandise not included in the inventory so filed, and each such attempt or act of selling or offering for sale at any such auction any merchandise or item not originally included in the inventory shall constitute a separate violation of this chapter.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 272 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Resin Manufacturing.

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

Section 1. That Section 272.30 of the above-entitled ordinance be amended to read as follows:

272.30. Application procedure. An application for a resin manufacturing license shall be made upon forms provided by the ~~department of licenses and consumer services~~ licensing official ~~which shall refer the application to the director of the inspections department.~~ The ~~director of inspections~~ licensing official shall cause to be investigated the matters contained therein, and convey approval or disapproval of the application to the appropriate committee of the city council. The application shall contain such information as the ~~department of licenses and consumer services~~ licensing official may require as well as the following:

- (a) The name and resident address of the applicant;
- (b) The type of business for which the license application is made;
- (c) The applicant's local business address, telephone number and zip code;
- (d) The street address of the process or processes for which application is being made.

Section 2. That Section 272.60 of the above-entitled ordinance be amended to read as follows:

272.60. Transferability. Licenses issued under this chapter shall only be transferable upon approval of an application to transfer, to be submitted to the ~~department of licenses and consumer services~~ licensing official and upon payment of a transfer fee of twenty dollars (\$20.00).

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 277 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Building Trades Licenses.

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

Section 1. That Section 277.2290 of the above-entitled ordinance be amended to read as follows:

277.2290. Application. Application for such license shall be made to the ~~director of licenses and consumer services~~ licensing official, in writing, stating therein the name of the person, firm or corporation desiring such license and the place of business. Said application shall be accompanied by the finance officer's receipt for the license.

Section 2. That Section 277.2300 of the above-entitled ordinance be amended to read as follows:

277.2300. Insurance; bond. No class B license shall be granted unless the applicant shall carry public liability insurance in a reliable insurance company or companies. Such policy of insurance shall not contain any "XC" (explosion, collapse) exclusion. The liability insurance for personal injury shall be in the sum of three hundred thousand dollars (\$300,000.00) for one occurrence. Said policy shall also be in the sum of at least fifty thousand dollars (\$50,000.00) to cover loss or damage to property of any person or persons in any one occurrence. The city shall be named as an additional named insured in said policy. Copies of such public liability policy, together with a surety bond, shall be filed with the ~~department of licenses and consumer services~~ licensing official at the time of making application for the license. The surety bond shall be in the sum of ten thousand dollars (\$10,000.00) to indemnify and save the city harmless from all damages, judgments, losses, claims, suits or liabilities of every kind growing out of the wrecking or demolition of any building. Such public liability insurance policy and surety bond shall be approved by the city attorney before issuance of the license. No provisions in any such policy or bond relative to notice to the insurer from the assured of its intention to undertake wrecking, demolishing or tearing down operations shall bind the city. The public liability insurance policy, as well as the surety bond herein provided for, shall not be canceled except upon thirty (30) days' written notice to the city, which

written notice shall be served upon the ~~department of licenses and consumer services~~ licensing official.

No Class A license shall be granted unless the applicant shall carry public liability insurance in a reliable insurance company or companies. Such policy of insurance shall not contain any "XC" (explosion, collapse) exclusion.

The liability insurance for personal injury shall be in the sum of one million five hundred thousand dollars (\$1,500,000.00) for one occurrence. Said policy shall also be in the sum of at least one hundred fifty thousand dollars (\$150,000.00) to cover loss or damage to property of any person or persons in any one occurrence. The city shall be named as an additional named insured in said policy. Copies of such public liability policy, together with a surety bond, shall be filed with the ~~department of licenses and consumer services~~ licensing official at the time of making application for the license. The surety bond shall be in the sum of fifty thousand dollars (\$50,000.00) to indemnify and save the city harmless from all damages, judgments, losses, claims, suits or liabilities of every kind growing out of the wrecking or demolition of any building. Such public liability insurance policy shall be approved pursuant to section 259.160 and the surety bond shall be on a form approved by the city attorney. No provisions in any such policy or bond relative to notice to the insurer from the assured of its intention to undertake wrecking, demolishing or tearing down operations shall bind the city. The public liability insurance policy, as well as the surety bond herein provided for, shall not be canceled except upon thirty (30) days' written notice to the city, which written notice shall be served upon the ~~department of licenses and consumer services~~ licensing official.

Section 3. That Section 277.2320 of the above-entitled ordinance be amended to read as follows:

277.2320. Place of business. The licensee must maintain a place of business in the State of Minnesota and, immediately upon receiving a license, shall have it recorded in the office of the ~~director of inspections~~ licensing official together with the actual place of business, giving street and number, and in case of removal therefrom shall immediately notify said ~~director~~ licensing official of such removal. The removal from the State of Minnesota by any such licensee of the place of business shall operate as a forfeiture of the license. No such licensee shall be deemed to have a place of business unless that licensee has acquired, maintained, and occupied at the location designated as the place of business, sufficient space for the keeping of the records in connection with wrecking work being done in the city and the conduct of business as such licensee, nor unless a sign bearing name and business be publicly exposed at said premises.

Section 4. That Section 277.2340 of the above-entitled ordinance be amended to read as follows:

277.2340. Revocation. The city council may, if it deems advisable, or after investigation and report by the ~~director of inspections~~ licensing official or building official that the licensee has not complied strictly with this Code or any permit granted thereunder, revoke such license.

Section 5. That Section 277.2350 of the above-entitled ordinance be amended to read as follows:

277.2350. Transfer of license; permitting misuse. No holder of any such license, as above provided, shall transfer or assign the same to any other person or allow his, her, or their name to be used by any other party, either for the purpose of doing work or obtaining a permit, under the penalty of forfeiting the license. The ~~director of inspections~~ building official is authorized to refuse to issue permits to any licensee violating this provision.

Section 6. That Section 277.2360 of the above-entitled ordinance be amended to read as follows:

277.2360. Exception from license. Notwithstanding the foregoing provisions, no license shall be required, except when ordered by the ~~director of inspections~~ building official on account of special hazards which make supervision by the department desirable, for the wrecking or tearing down of a dwelling not over two (2) stories in height, or a private garage or shed or other such minor buildings not exceeding one thousand (1,000) square feet of total floor area.

Section 7. That Section 277.2480 of the above-entitled ordinance be amended to read as follows:

277.2480. Application for license. Every person desiring a sign hanger's license or a billboard erector's license, as required by section 109.10, shall make application to the ~~director of licenses and consumer services~~ licensing official.

Section 8. That Section 277.2500 of the above-entitled ordinance be amended to read as follows:

277.2500. Insurance, bond. Each applicant for a license under this article shall file with the ~~director of licenses and consumer services~~ licensing official a public liability insurance policy or certificate of insurance issued by a company authorized to do business in Minnesota, insuring the applicant against any and all liability arising out of the performance of any sign or billboard work regulated by chapter 109 of this Code. The policy of insurance shall be in limits of not less than twenty-five thousand dollars (\$25,000.00) for injury or loss to one person, fifty thousand dollars (\$50,000.00) for each occurrence and ten thousand dollars (\$10,000.00) property damage. The policy or certificate shall contain an endorsement as provided by section 259.160 of this Code. Said policy shall provide that it may not be cancelled by the insurer except after ten (10) days' written notice to the ~~director of licenses and consumer services~~ licensing official.

Failure to keep in full force and effect insurance required herein is grounds for revocation of the license. The applicant shall furnish a surety bond to the city in the sum of eight thousand dollars (\$8,000.00) running to the city for the benefit of and to protect any person for whom such work shall be done from loss or damage arising out of the licensee's failure to comply with any specifications pertaining to such work, the use of inferior materials, incompetent work, failure to pay for labor and materials, and to guarantee the full and proper performance of all contracts entered into for the performance of such work by the licensee. Said surety bond shall first be approved as to form and execution by the city attorney before a license may be issued.

Section 9. That Section 277.2515 of the above-entitled ordinance be amended to read as follows:

277.2515. Transfer of license; permitting misuse. No holder of any such license, as above provided, shall transfer or assign the same to any other person or allow his, her, or their name to be used by any other party, either for the purpose of doing work or obtaining a permit, under the penalty of forfeiting the license. The ~~director of inspections~~ building official is authorized to refuse to issue permits to any licensee violating this provision.

Section 10. That Section 277.2590 of the above-entitled ordinance be amended to read as follows:

277.2590. Qualifications of certain permit applicants. No permit for the installation and maintenance of fire alarm systems connected to the city emergency reporting system shall be issued unless the person, or if a firm or corporation, then a member or employee of such firm or an officer of such corporation, has had at least five (5) years of verifiable experience in the design, installation and maintenance of the National Fire Protection Association's approved fire alarm system as set forth in pamphlet No. 72B, 1967 entitled "Auxiliary Protective Signaling Systems of 1967" which said pamphlet is made a part hereof and is on file for public inspection in the offices of director of inspections, for the installation, maintenance, and use of proprietary, auxiliary and local systems for watchmen, fire alarm and supervisory service, as recommended by the National Fire Protection Association, or five (5) years of verifiable experience in the design or installation or maintenance of similar or allied alarm, watchman, or communication systems. However, in lieu of five (5) years of verifiable experience as required above, any holder of a State of Minnesota Master Electricians license, acquired by examination, may apply for such permit; such applicants, however, must pass an examination to be conducted by the ~~department of inspections~~ building official and fire department with a grade of seventy (70) per cent or more.

Further, no permit regulated by this section shall be issued to any person unless that person is properly licensed by the State of Minnesota. Contractors shall be insured as required for electrical contractors by Minnesota Statute 326.242, Subdivision 6.

Section 11. That Section 277.2600 of the above-entitled ordinance be amended to read as follows:

277.2600. Matters to be recorded. Every person applying for an electrical permit, shall file a copy of his or her current state license with the ~~department of inspections~~ building official and shall record in the office of the ~~director of inspections~~ building official the actual place of business and the name under which the business is transacted, and shall immediately notify the ~~director of inspections~~ building official of every change in such name or place of business, and such change shall be endorsed upon the license.

Section 12. That Section 277.2650 of the above-entitled ordinance be amended to read as follows:

277.2650. Application. Any person, firm or corporation desiring a license as required by section 277.2640 shall make application to the city council, upon such form as shall be provided by the ~~department of licenses and consumer services~~ licensing official. Such application shall state the name, residence and business address of the applicant, whether the applicant desires to engage in such business personally or by the employment of others, and if by the employment of others, the number of persons to be employed. Such application shall contain such other and further information as may be required by the ~~department of licenses and consumer services~~ licensing official.

Section 13. That Section 277.2660 of the above-entitled ordinance be amended to read as follows:

277.2660. Insurance, bond. Each applicant for a license under this article shall file with the ~~director of licenses and consumer services~~ licensing official a public liability insurance policy or certificate of insurance issued by a company authorized to do business in Minnesota, insuring the applicant against any and all liability arising out of the performance of billposting or sign painting as defined in this article. The policy of insurance shall be in limits of not less than twenty-five thousand dollars (\$25,000.00) for injury or loss to one person, fifty thousand dollars (\$50,000.00) for each occurrence, and ten thousand dollars (\$10,000.00) property damage. The policy or certificate shall contain an endorsement as provided by section 259.160 of this Code of Ordinances. Said policy shall provide that it may not be cancelled by the insurer except after ten (10) days written notice to the ~~director of licenses and consumer services~~ licensing official. Failure to keep in full force and effect insurance required herein is grounds for revocation of the license. The applicant shall furnish a surety bond to the city in the sum of ten thousand dollars (\$10,000.00) running to the city for the benefit of and to protect any person for whom such posting or painting work shall be done from loss or damage arising out of the licensee's failure to comply with any specifications pertaining to such work, the use of inferior materials, incompetent work, failure to pay for labor and materials, and to guarantee the full and proper performance of all contracts entered into

for the performance of such work by the licensee. Said surety bond shall first be approved as to form and execution by the city attorney before a license may be issued.

Section 14. That Section 277.2670 of the above-entitled ordinance be amended to read as follows:

277.2670. Issuance of license. The application shall be presented to the city council at the next meeting after its filing, and if ordered by the city council, a license shall be issued to the applicant, which shall be known as and designated "Billposting and Sign Painting License." The license shall be assigned a number by the ~~department of licenses and consumer services~~ licensing official, which number shall be placed on such license.

Section 15. That Section 277.2710 of the above-entitled ordinance be amended to read as follows:

277.2710. Identification card. ~~The department of licenses and consumer services~~ licensing official, upon application by the licensee, shall provide the licensee and each billposter and sign painter employed by the licensee an identification card to be carried by the licensee and each employee at all times while engaged in such business or occupation. The identification card shall have upon it the name of the licensee, the name of the employee employed by the licensee and authorized to carry such identification card, and the words "Minneapolis Billposter and Sign Painter, License No. _____".

Section 16. That Section 277.2940 of the above-entitled ordinance be amended to read as follows:

277.2940. Definitions. As used in this article, the following terms shall mean:

Building contract means an oral or written agreement between a residential specialty contractor and an owner for the performance of a new construction, home improvement or home repair as defined in this article and includes all labor, service and materials furnished and performed thereunder.

~~*Director* means the director of the licenses and consumer services division.~~

Employee means any individual who performs labor or services for a residential specialty contractor for wages or salary when the building contractor deducts amounts from the wages or salaries as required by the state or federal government.

Licensing official means the official designated by the director of community planning and economic development who supervises the licensing and consumer services functions provided by this Code.

Owner means any homeowner, tenant or any other person who orders, contracts for or purchases services of a residential specialty contractor, or the person entitled to the performance of the work of a residential specialty contractor pursuant to a building contract.

Residential specialty contracting business means the construction, repair, replacement, remodeling, alteration, conversion, modernization, improvement or addition to any building which is used as a private residence or dwelling place for not more than four (4) families, including accessory buildings and land, and either:

- (a) Provision of only one of the eight categories of special skills as defined by Minnesota State Statute 326.83, subd. 19, or
- (b) The provision of two or more of the eight categories of special skill as defined by Minnesota State Statute 326.83, subd. 19, and whose total gross annual receipts from projects regulated under this article do not exceed fifteen thousand dollars (\$15,000.00).

Residential specialty contracting establishment means any shop, establishment, place or premises where the residential specialty contracting business is carried on.

Residential specialty contractor means any person, other than a bona fide employee of a residential specialty contracting business, who owns or operates a residential specialty contracting business, or who undertakes or offers to undertake or agrees to perform any building contracting or negotiates or offers to negotiate a building contract with an owner, or solicits or otherwise endeavors to procure by any means whatsoever, directly or indirectly, a building contract from an owner, whether or not such person is a prime contractor or subcontractor with respect to the owner.

Workmanlike means any work, effort or project which has been executed in a manner which, in the opinion of the ~~director of inspections~~ building official, is consistent with good acceptable trade practices and which has been performed in accordance with the material manufacturers' recommendations and specifications.

Section 17. That Section 277.2980 of the above-entitled ordinance be amended to read as follows:

277.2980. Application required. Every licensee must complete the application form provided by the ~~licenses and consumer services division~~ licensing official. The application form shall contain all information required by the ~~licenses and consumer services division~~ licensing official, including, but not limited to:

- (a) The name, residence address and telephone number of the applicant;
- (b) The name of the residential specialty contracting establishment, its address and telephone number;

(c) Whether the applicant is a person, corporation or partnership:

(1) If the applicant is a corporation, the state of incorporation and the names, home addresses and telephone numbers of all officers and directors;

(2) If the applicant is a partnership, the names, home addresses and telephone numbers of all partners;

(d) The number of employees;

(e) The federal and state tax withholding numbers and the unemployment insurance account number.

Section 18. That Section 277.3020 of the above-entitled ordinance be amended to read as follows:

277.3020. Insurance required. Every licensee shall provide and maintain in full force and effect public liability insurance to indemnify any person against loss or injury in the sum of one hundred thousand dollars (\$100,000.00) for injury or death to one person and three hundred thousand dollars (\$300,000.00) for each accident or occurrence and ten thousand dollars (\$10,000.00) for property damage, which shall include coverage for any damage caused to the owner's property and shall contain a provision that cancellation thereof shall not become effective without thirty (30) days prior notice thereof in writing to the department of licenses and consumer services licensing official. The City of Minneapolis shall be named as an additional insured in the policy.

Section 19. That Section 277.3025 of the above-entitled ordinance be amended to read as follows:

277.3025. License suspension or revocation for lack of insurance or bond. Any license issued under this article shall be immediately suspended by the ~~director~~ licensing official whenever, during the term of said license, a residential specialty contractor fails to keep in full force and effect, and in the full amount required, the insurance and bonds required by this article.

Section 20. That Section 277.3030 of the above-entitled ordinance be amended to read as follows:

277.3030. Bond required. Every application for a license shall be accompanied by a bond, approved as to form by the city attorney, executed by a bonding or surety company authorized to do business in the State of Minnesota, in the amount of ten thousand dollars (\$10,000.00) annual aggregate, effective upon application, and conditioned upon the assurance that the applicant will comply with the provisions of this article and all laws of the city and to assure that upon default in the performance of any

contract, the advance payment made thereon, less the reasonable cost of completion of the contract in the event of the noncompletion thereof, will be refunded to the owner with whom such contract was made. The city shall have a cause of action against the bond for reimbursement for any damages suffered as a result of noncompliance with the laws of the city. The bond shall contain a provision that no bond may be cancelled except upon thirty (30) days' written notice to the city, which shall be served upon the ~~licenses and consumer services division~~ licensing official.

Section 21. That Section 277.3040 of the above-entitled ordinance be amended to read as follows:

277.3040. License required to obtain building permit. The ~~inspections division~~ building official shall not issue a building permit to anyone required to be licensed under this article who is not at the time of the application for the permit properly licensed pursuant to this article.

Section 22. That Section 277.3070 of the above-entitled ordinance be amended to read as follows:

277.3070. Prohibited acts. No person shall commit any of the following acts:

- (1) Abandonment or willful failure to perform, when the failure is not due to circumstances beyond the control of the licensee, any building contract or project engaged in or undertaken by a residential specialty contractor or willful deviation from or disregard of plans or specifications in any material respect without the written consent of the owner;
- (2) Making any substantial misrepresentation in the procurement of a building contract or making any false promise likely to influence, persuade or induce;
- (3) Any fraud in the execution of or in the material alteration of any contract, mortgage, promissory note or other document incident to a building contracting transaction;
- (4) Preparing or accepting any mortgage, promissory note or other evidence of indebtedness upon the obligation of a building contract transaction with knowledge that it recites a greater principal obligation than the agreed consideration for the building contracting work, which constitutes an abuse to the consumer;
- (5) Directly or indirectly publishing any advertisement relating to building contracting which contains an assertion, representation or statement of facts which is false, deceptive or misleading, provided that any advertisement which is subject to and complies with the then existing rules, regulations or guidelines of the Federal Trade Commission, state

laws or city ordinances shall not be deemed false, deceptive or misleading or by any means of advertising or purporting to offer the general public any building contracting work with the intent not to accept contracts for the particular work or the price which is advertised;

- (6) Willful or deliberate disregard and violation of the building, housing, sanitary, health and fire laws of this state, county or City of Minneapolis;
- (7) Willful failure to notify the ~~licenses and consumer services division~~ licensing official of any change in control, ownership, management or business name or location within thirty (30) days of such change;
- (8) Conducting a residential specialty contracting business in any name other than the one in which the contractor is licensed;
- (9) Offering to pay a loan as an inducement to enter into a building contract with others;
- (10) Display of a false or forged license;
- (11) Doing any residential specialty contracting business as defined in section 277.2940 herein unless all such business is done in a workmanlike manner;
- (12) Failing to contact the ~~licenses and consumer services division~~ licensing official within ten (10) days after the contractor has received a certified letter from the ~~licenses and consumer services division~~ licensing official regarding a specific consumer complaint, or the ~~licenses and consumer services division~~ licensing official has received notice of refusal or nondeliverability of such letter;
- (13) No residential specialty contractor shall allow its name to be used by any person, other than an employee, for the purpose of performing contracting work. No residential specialty contractor shall obtain a permit for an unlicensed contractor. No residential specialty contractor shall perform any work under a building permit obtained by the owner
- (14) No residential specialty contractor shall enter into several building contracts which are part of a single building plan for an owner for the purpose of avoiding the provisions of this article.

Section 23. That Section 277.3100 of the above-entitled ordinance be amended to read as follows:

277.3100. Job site notice required. No licensee shall commence building contracting work for which a license is required by this article unless there is

conspicuously posted out of doors on the job site a rectangular-shaped notice not less than eight (8) by ten (10) inches in size stating the name, business address and license number of the licensee. When such notice is not posted, the ~~director~~ licensing official, the building ~~inspector~~ official, or their duly authorized agent, or the police license inspector may stop all work on the job site until this section has been complied with. This section shall not be construed to apply to anyone not required to be licensed under this article.

Section 24. That Section 277.3110 of the above-entitled ordinance be amended to read as follows:

277.3110. Owner's responsibility to hire only licensed contractors. The ~~licenses and consumer services division~~ licensing official may refuse to aid an owner who knowingly enters into a building contract with an unlicensed residential specialty contractor. No owner or representative of an owner shall knowingly enter into a building contract with an unlicensed residential specialty contractor.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 278 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Heating, Ventilating and Air Conditioning, Gasfitting, Oil, Plumber/Gas Fitter, Refrigeration, and Steam and Hot Water Installers.

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

Section 1. That Section 278.180 of the above-entitled ordinance be amended to read as follows:

278.180. Application. Every person desiring a license as described in this chapter shall make written application to the ~~director of licenses and consumer services~~ licensing official, stating therein the name of the person, partnership, corporation or other business entity desiring such license, the principal place of business, and the master installer in responsible charge of the work in each of the trades for which application is made. In case of removal therefrom, the applicant shall immediately notify, in writing, the ~~director of inspections~~ building official of the address of the new place of business. In case of a change in the master installer, the applicant shall immediately notify, in writing, the ~~director of inspections~~ building official of the name of the master installer in responsible charge of work as defined in this chapter.

Section 2. That Section 278.220 of the above-entitled ordinance be amended to read as follows:

278.220. Issuance of licenses. Each contractor license shall be issued or denied by the ~~director of licenses and consumer services~~ licensing official pursuant to section 259.30.

Section 3. That Section 278.440 of the above-entitled ordinance be amended to read as follows:

278.440. Appeals. Any person aggrieved by any administrative decision of the contracted vendor in accepting or rejecting any application for examination, certification of educational qualification, certification of on the job training, certification of an employer educational program or any issue related to the testing process may appeal

by filing with the ~~inspections division~~ building official written notice of appeal setting forth the specific issue(s) on appeal within thirty (30) days of notification of the decision. The notice of appeal shall be accompanied by a non-refundable fee of one hundred dollars (\$100.00). Upon receiving notice of appeal, the ~~director of inspections~~ building official shall arrange for a hearing, which shall be held not less than ten (10) nor more than ninety (90) days from the date of receipt of the appeal. The ~~director of inspections~~ building official shall provide the appellant with not less than ten (10) days' notice of the time and place of the hearing.

Appeals shall be heard before a hearing officer who shall be an administrative law judge appointed by the chief administrative law judge of the Minnesota State Office of Administrative Hearings, pursuant to Minnesota Statutes Chapter 14. The hearing shall be a trial de novo, conducted according to the rules for contested case hearings found in Minnesota Rules Chapter 1400, and upon the evidence presented, the hearing officer shall affirm, modify or set aside the determination of the contracted vendor. The decision of the hearing officer shall be rendered in writing and shall contain the findings of fact and conclusions reached, and all parties shall be bound thereby.

Any person aggrieved by the decision of the hearing officer may appeal to the Minnesota court having jurisdiction as provided by law.

Costs of the appeal hearing, including fees charged by the office of administrative hearings and the expense of transcript preparation, but not including attorney fees of the opposing party, shall be paid by the non-prevailing party.

Section 4. That Section 278.510 of the above-entitled ordinance be amended to read as follows:

278.510. Denial, revocation, suspension or cancellation of certificate of competency. Any certificate of competency issued, or proposed to be issued under this chapter may be denied, suspended, revoked, canceled or not renewed if the applicant or holder:

- (1) Is convicted of failing to comply with any of the provisions of state law or this Code relating to the construction, installation, alteration, repair, cleaning or servicing of systems regulated under this chapter or of failure to comply with a lawful order issued pursuant thereto.
- (2) As a master installer in responsible charge of work, fails to obtain appropriate permits for any work for which permits are required more than three (3) times within a one-year period.
- (3) In the application process for issuance or renewal of a certificate of competency, knowingly falsifies, conceals, misrepresents or misstates any material fact or matter bearing upon the holder's eligibility or competency.

- (4) Obtains, attempts to obtain, or assists another in obtaining or attempting to obtain a competency card through fraudulent or other improper means.

If the ~~director of inspections~~ building official determines that a certificate of competency should be denied, suspended, revoked, canceled or not renewed under this section, the ~~director of inspections~~ building official shall send the applicant or holder a notice of denial, suspension, revocation, cancellation or nonrenewal of the certificate. The notice shall state the proposed action to be taken, a summary statement of the reason or reasons that such action is recommended, that the matter has been referred to the city council with a recommendation for the proposed action, that the city council will take the proposed action unless the applicant or holder appeals the determination in the manner described in section 278.515.

Section 5. That Section 278.515 of the above-entitled ordinance be amended to read as follows:

278.515. Appeals. Any person aggrieved by any administrative decision of the ~~director of inspections~~ building official to deny, revoke, suspend, cancel or not renew a certificate of competency may appeal by filing with the ~~inspections division~~ building official written notice of appeal setting forth the specific issue(s) on appeal within thirty (30) days of notification of the decision. The notice of appeal shall be accompanied by a non-refundable fee of one hundred dollars (\$100.00). Upon receiving notice of appeal, the ~~director of inspections~~ building official shall arrange for a hearing, which shall be held not less than ten (10) nor more than ninety (90) days from the date of receipt of the appeal. The ~~director of inspections~~ building official shall provide the appellant with not less than ten (10) days' notice of the time and place of the hearing.

Appeals shall be heard before a hearing officer who shall be an administrative law judge appointed by the chief administrative law judge of the Minnesota State Office of Administrative Hearings, pursuant to Minnesota Statutes, Chapter 14. The hearing shall be a trial de novo, conducted according to the rules for contested case hearings found in Minnesota Rules, Chapter 1400, and upon the evidence presented, the hearing officer shall affirm, modify or set aside the determination of the ~~director of inspections~~ building official. The decision of the hearing officer shall be rendered in writing and shall contain the findings of fact and conclusions reached, and all parties shall be bound thereby.

Any person aggrieved by the decision of the hearing officer may appeal to the Minnesota court having jurisdiction as provided by law.

Costs of the appeal hearing, including fees charged by the office of administrative hearings and the expense of transcript preparation, but not including attorney fees of the opposing party, shall be paid by the non-prevailing party.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 279 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Christmas Tree Dealers.

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

That Section 279.25 of the above-entitled ordinance be amended to read as follows:

279.25. License application; penalty for late application. (a) Every person desiring a Christmas tree dealer's license shall file with the ~~department of licenses and consumer services~~ licensing official, on forms provided by ~~it~~ the licensing official, a written application containing the following information:

- (1) The name and resident address of the applicant.
- (2) A detailed diagram showing the location of the intended sale of Christmas trees.
- (3) Any other information the director deems necessary.

(b) All applications for licenses in each and every calendar year are required to be filed on or before November fifteenth of said year. In the event any such application is filed after November fifteenth, before the license can be issued the applicant shall pay, in an addition to the regular fee, a sum equal to twenty (20) percent of the annual license fee.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 281 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Tobacco Dealers.

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

Section 1. That Section 281.20 of the above-entitled ordinance be amended to read as follows:

281.20. Application for license; referral and action. Any person desiring to obtain a tobacco dealers license shall file with the ~~director of licenses and consumer services~~ licensing official a written application to the city council stating the full name and address of the applicant for such license, and the fixed location of the building or buildings and the part or portions thereof intended to be used by the applicant under such license. No license shall be granted for the purpose of dispensing tobacco from a motor vehicle. Upon the filing of any such application it shall be presented to the city council for consideration, and upon the granting of any such license by the council, the ~~director of licenses and consumer services~~ licensing official shall issue such license to the applicant after payment of the license fee herein required.

Section 2. That Section 281.80 of the above-entitled ordinance be amended to read as follows:

281.80. Enforcement. Sections 281.30 through 281.65 shall be administered and enforced by and through the ~~director of licenses and consumer services~~ licensing official of the City of Minneapolis. All compliance operations to ensure adherence to sections 281.60(b) and 281.60(c) shall be conducted by the ~~director of licenses and consumer services~~ licensing official or the Minneapolis Police Department.

The ~~director of licenses and consumer services~~ licensing official or the Minneapolis Police Department will conduct unannounced compliance checks at least once each calendar year at each location where tobacco is sold to test compliance with Minnesota Statutes, Section 609.685. In the event of a first violation, an unannounced compliance check shall be done within the following six (6) months and at least twice within the anniversary date of the first violation. In the event of a second violation, an unannounced compliance check shall be done within the following four (4) months and

at least three (3) times within the anniversary date of the second violation. Compliance checks must involve minors over the age of fifteen (15), but younger than the age eighteen (18), who with the prior written consent of a parent or guardian, attempt to purchase tobacco under the direct supervision of a law enforcement officer or employee of the licensing authority.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 283 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Courtesy Benches.

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

Section 1. That Section 283.30 of the above-entitled ordinance be amended to read as follows:

283.30. Application for license. Every person desiring a license or licenses under this chapter shall apply to the ~~department of licenses and consumer services~~ licensing official, giving the location and specifications for each bench, the name and address of the applicant, and such other information as may be required in an application form to be prepared by the ~~department of licenses and consumer services~~ licensing official, city engineer and city attorney.

Section 2. That Section 283.110 of the above-entitled ordinance be amended to read as follows:

283.110. Insurance required. Before a license shall be issued, the applicant shall file with the ~~department of licenses and consumer services~~ licensing official a policy, or certificate thereof, of public liability insurance approved by the city attorney and issued by an insurance company authorized to do business in the State of Minnesota, insuring such applicant against loss in the sum of at least twenty-five thousand dollars (\$25,000.00) because of liability imposed by law on account of bodily injury or death of any one person in any one accident, in the sum of at least fifty thousand dollars (\$50,000.00) because of liability imposed by law on account of bodily injury or death of two (2) or more persons in any one accident, and in the sum of at least five thousand dollars (\$5,000.00) because of liability imposed by law on account of damage to or destruction of property in any one accident, by reason of the installation, maintenance, use or removal of such bench for which a permit is issued regardless of the point to which such bench or benches may be moved within the city with or without the consent of the licensee. The city shall be named as an additional assured in said policy. The policy shall be maintained in its original amount by the licensee at his or her expense at all times during the period for which the license is in effect. In the event that two (2) or more licenses are issued to one licensee, one such policy may be furnished

to cover two (2) or more benches, and each policy shall be of a type in which coverage shall automatically be restored immediately after the occurrence of any accident or loss from which liability may thereafter accrue.

Section 3. That Section 283.140 of the above-entitled ordinance be amended to read as follows:

283.140. Issuance of license. All applications, when approved by the ~~department of licenses and consumer services~~ licensing official and the city engineer, shall be granted or denied pursuant to section 259.30.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 285 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Dancing Schools.

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

Section 1. That Section 285.30 of the above-entitled ordinance be amended to read as follows:

285.30. Application. Any person desiring a license to conduct a dancing school shall make application therefor to the ~~department of licenses and consumer services licensing official~~, upon forms to be furnished by such ~~department~~ licensing official, and such application shall, among other things, contain the name and address of the applicant, the name and address of the dancing school, and the residence and occupation of the applicant for five (5) years immediately preceding the date of application. After filing of such application the same shall be referred to the ~~director of inspections~~ building official, fire department and health department for investigation and report as to the suitability of the premises for which a license is sought.

Section 2. That Section 285.50 of the above-entitled ordinance be amended to read as follows:

285.50. Filing, approval of fees. Every applicant for a license shall file with the ~~department of licenses and consumer services licensing official~~ a schedule of fees to be charged and if such schedule is approved by the city council, it shall be the maximum fee which may be charged.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 287 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Filling Stations and Bulk Oil Plants.

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

Section 1. That Section 287.05 of the above-entitled ordinance be amended to read as follows:

287.05. Definitions. As used in this chapter, unless otherwise indicated, the following terms are defined as follows:

Bulk oil plant. A business engaged in the dispensing, handling or sale of gasoline, fuel oil or other flammable liquids in bulk quantities of thirty (30) gallons or more.

Delivery vessel. A vessel that stores and transports gasoline for delivery to a gasoline filling station.

~~*Director.* The director of licenses and consumer services or their designee.~~

Gasoline. A petroleum or a petroleum-based substance that is motor gasoline, or any grade of gasohol, and is typically used in the operation of a motor engine, excluding, aviation gasoline, No. 1 or 2 diesel fuel.

Gasoline filling station. A business engaged in the dispensing, handling or sale of gasoline or other fuels to the public.

Gasoline storage tank. A permanent vessel for storing gasoline at a gasoline filling station for the purpose of dispensing, handling or sale of gasoline.

Licensing official. The licensing official designated by the director of community planning and economic development, who supervises the licensing and consumer services functions of the city.

Simultaneous fueling location. The location at which a fueling device delivers or dispenses fuel to a single vehicle.

Stage I vapor recovery system. The control or management of hydrocarbons, volatile organic compound vapors and other gases during the transfer of gasoline from the delivery vessel to the gasoline filling station's gasoline storage tanks.

Stage II vapor recovery. The control or management of hydrocarbon and volatile compound vapors and gases during the transfer of gasoline from the gasoline filling station's gasoline storage tank to the vehicle's gasoline tank.

Vapor recovery equipment for gasoline filling stations. All equipment that is part of the vapor recovery system used by a gasoline filling station to collect and manage gasoline vapors generated from refueling vehicle gasoline tanks, gasoline storage tanks and portable fuel containers including, but not limited to, dispensing equipment, couplers, fittings, processors, control boards, gauges, and monitors

Vapor recovery system. A vapor gathering system capable of collecting and managing hydrocarbon and Volatile Organic Compound (VOC) vapors and gases so as to prevent the vapors and gases from being emitted into the ambient air or atmosphere. The system's tank gauging and sampling devices are gas-tight except when gauging or sampling is taking place. A vapor recovery system may include stage I or stage II vapor recovery.

Section 2. That Section 287.20 of the above-entitled ordinance be amended to read as follows:

287.20. Application for building permit. Application for permit to build and operate any such filling station or bulk oil plant shall be made to the ~~director of licenses and consumer services~~ licensing official in writing, which application shall designate the location of the proposed station or plant, number and capacity of tanks, number of pumps, grease pit or grease hoist and whether for public or private use. Blueprints shall accompany the application, giving all such information and shall be subject to approval by the chief of the fire department, the ~~director of inspections~~ building official, and the zoning administrator. After inspection of the location of such proposed filling station or bulk oil plant shall have been made, one (1) copy of the blueprints shall be retained in the files of the fire prevention bureau. No work of any kind shall be started until the application for permit is approved. The fee for each such permit, either for a gasoline filling station or bulk oil plant, shall be six dollars (\$6.00) which shall be paid to the ~~department of licenses and consumer services~~ licensing official at the time the application is submitted.

Section 3. That Section 287.70 of the above-entitled ordinance be amended to read as follows:

287.70. Transfer of licenses prohibited. In the event that the licensee desires to change the place of business the licensee shall apply for a new license with the ~~director of licenses and consumer services~~ licensing official. If the ownership of the licensee changes, the new owner shall apply for a new license from the ~~director of licenses and consumer services~~ licensing official.

Section 4. That Section 287.100 of the above-entitled ordinance be amended to read as follows:

287.100. Oil or gasoline spills. Oil or gasoline spills of five (5) gallons or more must be reported to the environmental management division of the Minneapolis ~~Department of Licenses and Consumer Services~~ Health Department and to the State duty officer.

Section 5. That Section 287.140 of the above-entitled ordinance be amended to read as follows:

287.140. Notice of installation. At least three (3) business days prior to installation of a stage I vapor recovery system at a gasoline filling station, the operator of the gasoline filling station shall give notice to the ~~Minneapolis department of licenses and consumer services~~ licensing official of the scheduled installation so that an inspector can, if desired by the ~~department~~ licensing official, be present to monitor compliance with this Code.

Section 6. That Section 287.170 of the above-entitled ordinance be amended to read as follows:

287.170. Denial, suspension or revocation. A gasoline filling station or bulk oil plant license may be denied, suspended, revoked or renewal refused by the city council for any of the following reasons:

- (1) Violation of any federal, state or local law.
- (2) Violation of any provision of the building, zoning, fire or health codes of the city.
- (3) Failure to obtain permits required by the Minneapolis Fire Department.
- (4) Failure to comply with orders issued by the ~~Minneapolis Department of Licenses and Consumer Services~~ licensing official.
- (5) For other good cause shown which renders the licensee or license applicant unfit to hold a filling station or bulk oil plant license.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 289 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Fire Extinguisher Sales and Service.

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

Section 1. That Section 289.50 of the above-entitled ordinance be amended to read as follows:

289.50. Application for license; issuance. (a) Any person desiring to engage in the business of servicing fire extinguishers as herein defined, and any person desiring to service his own fire extinguishers shall make written application to the ~~director of licenses and consumer services~~ licensing official for a license so to do. Such application shall be made on forms to be provided by the ~~department of licenses and consumer services~~ licensing official, and said application shall state thereon the name of the person, firm or corporation desiring such license and the place of business. An application for a Class B license shall include the address of all locations to be serviced by the applicant.

(b) No such license shall be issued unless such person, or, where the applicant is a firm or corporation, a member of such firm or officer of such corporation at the time of the making of the application, has such equipment and facilities as are reasonably necessary and adequate for servicing fire extinguishers.

Section 2. That Section 289.65 of the above-entitled ordinance be amended to read as follows:

289.65. Insurance required. Each Class A license shall furnish and file with the ~~department of licenses and consumer services~~ licensing official a policy of insurance in an insurance company authorized to do business in the State of Minnesota insuring the licensee, his or her employees and agents, against any and all loss by reason of negligence in the servicing of portable fire extinguishers; such policy of insurance to be in the limits of at least one hundred thousand dollars (\$100,000.00) for any one person killed or injured in one accident and three hundred thousand dollars (\$300,000.00) for each occurrence and twenty-five thousand dollars (\$25,000.00) property damage.

Failure to keep in full force and effect insurance required herein is grounds for revocation of the license.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 291 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Fuel Dealers.

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

Section 1. That Section 291.40 of the above-entitled ordinance be amended to read as follows:

291.40. Application for license. Every person desiring a license to sell fuel shall apply to the ~~director of licenses and consumer services~~ licensing official, and in such application shall state his or her true name, the name under which he or she intends to do business as a fuel dealer, whether an individual, firm, corporation or partnership, and, if a partnership, the names and addresses of all partners, the street address and location at which the business is to be carried on, together with the exact location of all other fuel or storage yards operated by the business within the city.

Section 2. That Section 291.90 of the above-entitled ordinance be amended to read as follows:

291.90. Director Licensing official to keep register of licenses. The ~~director of licenses and consumer services~~ licensing official shall keep a register of each license issued, the number thereof, the name of the person to whom the same is issued, the date when issued, the date of the expiration of the same, the amount paid therefor, and such other data as may be required.

Section 3. That Section 291.100 of the above-entitled ordinance be amended to read as follows:

291.100. Insurance required. No license shall be issued or renewed under this chapter unless the applicant shall have on file with the ~~director of licenses and consumer services~~ licensing official liability insurance, or a certificate thereof, in a company licensed in Minnesota in at least the amounts of twenty-five thousand dollars (\$25,000.00) for property damage, one hundred thousand dollars (\$100,000.00) for personal injury or death to one person, and three hundred thousand dollars (\$300,000.00) for personal injury or death to more than one person from one accident,

insuring against injury or damage arising out of the use or operation of any fuel delivery vehicle, including loading and unloading. Such policy shall contain a provision that no cancellation shall become effective without thirty (30) days' prior notice thereof in writing to the ~~director of licenses and consumer services~~ licensing official.

Section 4. That Section 291.105 of the above-entitled ordinance be amended to read as follows:

291.105. Self-insurance permitted. If the applicant has qualified as a self-insurer under Section 65B.48, Subdivision 3, Minnesota Statutes, and files with the ~~director of licenses and consumer services~~ licensing official a certified copy or a duplicate original of the self-insurance certificate as issued by the state commissioner of insurance, then no policy of insurance shall be required to be filed with the city as otherwise would be required under this chapter.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 293 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Going Out Of Business Sales.

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

Section 1. That Section 293.20 of the above-entitled ordinance be amended to read as follows:

293.20. Exception for actual disaster sales. This chapter shall not apply to a sale held by a regularly established retail or wholesale merchant at the merchant's regular place of business, under a permit issued by the ~~department of licenses and consumer services~~ licensing official, provided that such sale is held for a period not to exceed fifteen (15) successive days, excluding Sundays and holidays, during the period of ninety (90) days immediately following actual damage to said merchant's stock of goods by fire, water, smoke or other chance circumstance. If such damaged merchandise has not been sold within the fifteen (15) day period, an extension of such sale for a period of not to exceed an additional ten (10) successive days, excluding Sundays and holidays, may be authorized by an additional permit. The applicant for such permit must file with the application an inventory of the damaged merchandise to be offered at the sale, which inventory shall be verified by the insurance company covering the operation. The fee for such fifteen (15) day permits shall be as established in Appendix J, License Fee Schedule; the fee for each additional day allowed during which the sale is to be held shall be as established in Appendix J, License Fee Schedule.

Section 2. That Section 293.50 of the above-entitled ordinance be amended to read as follows:

293.50. Application for license. Any person desiring to advertise and conduct any sale of the type defined in this chapter shall apply to the ~~department of licenses and consumer services~~ licensing official on forms prepared by the ~~department~~ licensing official. The application shall be in writing and shall be in the name of the true owner of the merchandise to be sold. The application shall truthfully state:

- (a) The name and address of the applicant, together with the names and addresses of all individuals who are members of the partnership, association or firm making such application and of all officers of any corporation making such application.
- (b) The type of sale to be conducted and the reason for conducting such sale.
- (c) The address at which such sale will be held.
- (d) The nature of the occupancy of the premises where the sale is to be held, whether by lease or sublease, and the date of termination of such occupancy.
- (e) Whether or not the applicant has held any sale, as defined in this chapter, at the premises referred to in the application within one year last past from the date of the application.
- (f) The date of acquisition by the applicant of the business with respect to which the sale is to be held.
- (g) The names and addresses of the individuals who will have charge of the sale.
- (h) An inventory which shall contain:
 - (1) A legible, orderly, detailed, complete and accurate descriptive list of the merchandise to be offered for sale which inventory shall include only merchandise owned by the applicant which applicant expects to include in such sale located on the premises where the sale is to be held and in warehouses. Such inventory may include all goods which have been purchased by the applicant for resale on bona fide orders without cancellation privileges and shall not comprise goods purchased on consignment. Such inventory shall not include goods ordered in contemplation of conducting a sale regulated hereunder. Any purchase or additions made within ninety (90) days immediately prior to the filing of an application which increases the inventory beyond the average inventory for twelve (12) full and successive months next preceding the application shall be deemed an unusual purchase or addition and made in contemplation of having a sale as regulated by the terms of this chapter; provided, however, that in determining the average monthly inventory seasonable purchases and inventories shall be considered and adjusted.
 - (2) Insofar as reasonably possible on the basis of available record data regularly kept by the applicant, the dates of acquisition of such merchandise, the names and addresses of the persons from whom obtained, and the manner of acquisition. The inventory shall contain the cost price of the merchandise to be sold, and the regular price at which

the merchandise was sold prior to the making of the application for license.

The application and the inventory shall be executed and verified in duplicate under oath by the individual making the application or by a member of the partnership making the application or by the general managing officer or agent of the association, joint enterprise, firm or corporation, making the application, and shall be filed in duplicate with the ~~department of licenses and consumer services~~ licensing official.

Section 3. That Section 293.70 of the above-entitled ordinance be amended to read as follows:

293.70. License fee. Upon the filing of such application and inventory in duplicate and the payment to the city of a fee as established in Appendix J, License Fee Schedule, the application shall be investigated by the ~~department of licenses and consumer services~~ licensing official and as soon as practicable referred to the appropriate committee of the council; provided, where the City of Minneapolis has purchased or condemned the property at which the business is conducted, the applicant may obtain a special nonrenewable license effective for only thirty (30) days upon payment to the city of a fee as established in Appendix J, License Fee Schedule. The said committee shall then examine the application and supporting data and recommend to the council the granting or denial of such license.

Section 4. That Section 293.80 of the above-entitled ordinance be amended to read as follows:

293.80. Term; renewals authorized. Licenses issued hereunder shall be for a period of not to exceed forty-five (45) days. Upon satisfactory proof that all of the merchandise listed in the inventory attached to the original application has not been disposed of and that no items of merchandise not listed in such inventory have been or are to be sold at such sale, the ~~department of licenses and consumer services~~ licensing official shall investigate the truthfulness of the application and the supporting data, and shall then recommend to the appropriate committee the granting or denial of a renewal, and any such renewal shall require a fee as established in Appendix J, License Fee Schedule. In the event a second renewal for fifteen (15) days is applied for under the terms and conditions hereinbefore stated for the first renewal, the fee for such renewal shall be as established in Appendix J, License Fee Schedule, for each day of such sale to defray the cost of daily supervision by the ~~department of licenses and consumer services~~ licensing official during the period of the sale.

Section 5. That Section 293.90 of the above-entitled ordinance be amended to read as follows:

293.90. Proof required for renewal. Proof as required above shall be furnished on a form prepared by the ~~department of licenses and consumer services~~ licensing official. It shall be accompanied by an inventory which shall contain a legible, orderly,

detailed, complete and accurate descriptive list of the merchandise then on hand unsold. Such renewal application and accompanying inventory shall be executed and verified under oath by the individual making the application, or by a member of the partnership making the application, or by the general managing officer or agent of the association, joint enterprise, firm or corporation making the application.

Section 6. That Section 293.110 of the above-entitled ordinance be amended to read as follows:

293.110. Conditions of license. The licensee shall have the privilege of conducting a sale as defined in this chapter upon the following conditions:

- (a) Such sale shall be conducted on the premises specified in the application, during the period of the license and any renewals thereof, and no longer.
- (b) No merchandise not described in the inventory shall be added to or included with that specified in the inventory furnished with the application and offered for sale at the sale. Each sale of merchandise not included in the inventory shall constitute a separate violation of this condition.
- (c) The sale shall be advertised and conducted in the name of the licensee only and no reference to the reasons for the sale shall be advertised unless the reasons shall be in conformity with those stated in the application and shall be applicable to the licensee at the time of such advertisement.
- (d) The license to conduct such sale shall be conspicuously displayed during the duration of the sale near the entrance to the premises where the sale is being held.
- (e) A duplicate original of the application and inventory pursuant to which such license was granted, shall be available at the premises where the sale is being held to the ~~officers and agents of the department of licenses and consumer services~~ licensing official, and the licensee shall permit ~~them to examine~~ examination of all merchandise on the premises for comparison with such inventory.
- (f) At the close of business each day there shall be noted on the inventory attached to such duplicate original application the items disposed of during such day.
- (g) Suitable books and records shall be kept by the licensee and shall be available at all times to the ~~officers and agents of the department of licenses and consumer services~~ licensing official.
- (h) No advertisement shall contain any assertion, representation or statement of fact which shall be untrue, deceptive or misleading as to the ownership of

such merchandise, the source from which it was obtained, the quantity, nature, condition or quality thereof, or the value or price thereof, or the savings or discounts offered with respect thereto, and, if any price comparisons or percentages of savings or discounts are quoted in any advertisement, such savings or discounts shall be computed upon the prices stated in the inventory with respect to the items referred to in such advertisement; provided, however, that no comparison in either general or specific terms shall be made in any such advertisement with respect to either the regular wholesale or regular retail prices of any merchandise unless the regular wholesale or regular retail price of such merchandise so referred to is stated in the inventory attached to such application.

- (i) The licensee shall forthwith at the conclusion of any such sale file with the ~~department of licenses and consumer services office~~ licensing official a true inventory of all merchandise, if any, then remaining unsold.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 295 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Groceterias and Portable Stores.

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

Section 1. That Section 295.20 of the above-entitled ordinance be amended to read as follows:

295.20. Application for license. Any person desiring a license under this chapter shall file with the ~~department of licenses and consumer services~~ licensing official a written application to the city council for such license, stating in such application the full name and address of the owner or proprietor of the groceteria or portable store to be conducted and operated by the applicant, and for which a license is desired, and the locations within the city where the applicant proposes to conduct and operate the same, and the kind of groceries, meats, provisions and miscellaneous goods, wares and merchandise the applicant desires to transport and sell under such license.

Section 2. That Section 295.40 of the above-entitled ordinance be amended to read as follows:

295.40. Foods permitted to be sold. The licensee shall sell only prepackaged foods approved by the commissioner of health. As used in this section:

(a) "Commissioner of health" shall mean the commissioner of health of the city and authorized representatives.

(b) "Prepackaged foods" shall mean clean, unadulterated, wholesome food packaged in a substantial, clean container or wrapper.

All perishable and readily perishable foods, as defined by section ~~488.10~~ 186.50 of this Code shall comply with this section.

Section 3. That Section 295.90 of the above-entitled ordinance be amended to read as follows:

295.90. Insurance. The licensee shall provide evidence of liability insurance in the amount of one hundred thousand dollars (\$100,000.00) for individual or three hundred thousand dollars (\$300,000.00) for any single incident and property damage coverage in the amount of five thousand dollars (\$5,000.00). Certificate of insurance shall be filed with the ~~department of licenses and consumer services~~ licensing official prior to issuance of a license.

Section 4. That Section 295.110 of the above-entitled ordinance be amended to read as follows:

295.110. Locations, schedules to be filed; marking of vehicles. The list of locations to be served and the schedule of service to each location shall be kept currently revised and on file with the department, and each vehicle used as a groceteria shall have affixed thereto, in a conspicuous place so as to be legible at all times, a food vehicle decal furnished by the ~~department~~ licensing official.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 296 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Hospitals.

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

Section 1. That Section 296.30 of the above-entitled ordinance be amended to read as follows:

296.30. Application for license. Any person desiring a license hereunder shall file with the ~~director of licenses and consumer services~~ licensing official an application therefor containing a verified statement of the names and ages of the persons desiring said license; the names and ages of the persons to be charged with the direction and management of the hospital which it is proposed to establish or conduct; the place where it shall be located; the names of the physicians in charge or to be in charge thereof; and any other information which may be required by the ~~director of licenses and consumer services~~ licensing official or the commissioner of health.

Section 2. That Section 296.40 of the above-entitled ordinance be amended to read as follows:

296.40. Approval procedure. The application for such license shall forthwith be presented by the ~~director of licenses and consumer services~~ licensing official to the commissioner of health. If the application is then approved by the commissioner of health, the commissioner shall so certify in writing on the application and deliver it to the ~~director of licenses and consumer services~~ licensing official who may issue or deny the license pursuant to section 259.30. In the event the commissioner of health does not approve the granting of such license, the commissioner shall so certify in writing on the application not so approved and return the same to the ~~director of licenses and consumer services~~ licensing official. When any such application is not approved by the commissioner of health or the commissioner's deputy, the ~~director of licenses and consumer services~~ licensing official shall not issue the license unless authorized and directed to do so by the city council.

Section 3. That Section 296.70 of the above-entitled ordinance be amended to read as follows:

296.70. Record of licenses. The ~~director of licenses and consumer services~~ licensing official shall keep a record of all licenses issued under this chapter, showing the number, name of licensee, date of issue and such other data as may from time to time be required.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 297 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Hotels.

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

Section 1. That Section 297.30 of the above-entitled ordinance be amended to read as follows:

297.30. Application for license. Any person desiring to engage in the business of operating a hotel as provided for in this chapter shall first make application therefor in writing to the city council by filing with the ~~director of licenses and consumer services~~ licensing official a written application for such license, designating therein the character of the business to be conducted, giving in such application the full name and address of the proprietor or owner, or both, of such proposed hotel and such other information as the ~~director~~ licensing official may require to verify that the terms and conditions of this chapter have been met. Upon receipt of an application, the ~~director~~ licensing official shall refer the application to the commissioner of health, ~~department of inspections,~~ building official, and fire department, for investigation and report whether the applicant meets the terms and conditions of this chapter and all applicable city codes relating to zoning, building, housing, health, and fire.

Section 2. That Section 297.40 of the above-entitled ordinance be amended to read as follows:

297.40. Investigation. The ~~director~~ licensing official shall make report to the city council upon such application, together with recommendations as to the granting or refusal of such license and as to the truth or falsity of any statement contained in such application. Such report shall also give what information the ~~director~~ licensing official has as to the character of the applicant or the general reputation of the building within which such hotel is to be conducted, and shall state as to whether or not in the knowledge of ~~director~~ licensing official such applicant, proprietor or owner has ever been charged with conducting a disorderly house or with having sold intoxicating liquors illegally.

Section 3. That Section 297.50 of the above-entitled ordinance be amended to read as follows:

297.50. Issuance of license; fee. (a) Upon the receipt of reports from the commissioner of health, ~~department of inspections~~ director of regulatory services, building official, fire department, and ~~director of licenses and consumer services~~ licensing official, the city council may, in its discretion, grant or refuse such license, but no such license shall be issued until all the regulations relating to hotels have been complied with.

(b) The annual license fee for such license shall be as established in Appendix J, License Fee Schedule.

For not more than 20 rooms\$306.00

(c) Upon action by the city council authorizing and directing the issuance of a license to any such applicant, and payment of the license fee, the ~~director of licenses and consumer services~~ licensing official shall issue to such applicant the license authorized and directed to be issued by such resolution.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 297A of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Bed and Breakfast Facilities.

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

Section 1. That Section 297A.10 of the above-entitled ordinance be amended to read as follows:

297A.10. Definitions. *Bed and breakfast facility* is an establishment where short-term lodging is provided for compensation which may include breakfast meal service to guests only. Such facility is subject to additional requirements in the codes referred to in section 297A.50

~~*Director* shall mean the director of licenses and consumer services.~~

Licensing official. The licensing official designated by the director of community planning and economic development, who supervises the licensing and consumer services functions of the city.

Person shall mean any individual, partnership, corporation, or association.

Section 2. That Section 297.40 of the above-entitled ordinance be amended to read as follows:

297A.40. Application procedure. Any person desiring to operate a bed and breakfast facility in the City of Minneapolis shall contact the health department and zoning department for the purpose of assuring that all requirements are met as to each department. Upon approval by the aforementioned departments, written application shall be made to the ~~department of licenses and consumer services~~ licensing official. The application shall contain the name, address and phone number of the operator of the residence in which the bed and breakfast facility is located; address and phone number of the bed and breakfast, if different; number of guest rooms and the number of occupants each room may accommodate; names, phone numbers, and addresses of all individuals who will participate in the operation of the facility; name and phone number

of a manager or contact person who can be reached during business hours; any further information deemed necessary by the ~~director~~ licensing official.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 299 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Ice Sale and Manufacture.

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

Section 1. That Section 299.50 of the above-entitled ordinance be amended to read as follows:

299.50. Applications for licenses generally. Any person desiring any license granted under this chapter shall file an application with the ~~department of licenses and consumer services~~ licensing official. Said application shall contain an affidavit stating the name and address of the owner of the business for which such application is made and the name and location of the body or bodies of water from which the ice has been or is to be harvested or the water used for its manufacture. Said form shall contain the statement that the sources named therein are the only sources from which said ice or water used or to be used for its manufacture are or will be derived, subject to the provisions of this chapter, and shall be subscribed and sworn to by the applicant. It shall then be submitted by the applicant to the commissioner of health for approval and without such approval no application may be filed. If the commissioner of health approves the sources of the ice and water as therein stated, such approval shall be stamped thereon and said affidavit so stamped shall be filed with the application as herein provided. Any licensee thereafter desiring to make a change in the source of ice or water to be manufactured into ice, set forth in the application, shall notify the commissioner of health in writing and receive the commissioner's written approval of the source from which such licensee proposes to procure the ice or water to be manufactured into ice, before such change is made. In the event that the commissioner of health so approves, the new source shall thereafter be the only source from which the licensee may derive ice or water to be manufactured into ice, subject to the provisions of this chapter, with like force and effect as though such source had been stated in the application for licensee's license.

Section 2. That Section 299.70 of the above-entitled ordinance be amended to read as follows:

299.70. Procedure for producer's or dealer's license. Upon the filing of an application for a producer's license or a dealer's license, the same shall be presented to the commissioner of health. The premises and places in such application described, the building or buildings in which said business is being conducted, or it is proposed to conduct said business, such body or bodies of water from which ice is harvested or is to be harvested, or water used in the manufacture of ice shall be inspected by the commissioner of health or authorized representative who shall keep a permanent record of said inspection and who shall, if said places and premises, body or bodies of water, or water to be taken for the manufacture, are approved, so certify in writing on the application and deliver the same to the ~~director of licenses and consumer services~~ licensing official. In the event the commissioner of health approves said application, the license may be issued or denied pursuant to section 259.30. In case the commissioner of health does not approve the application, no license shall be granted.

Section 3. That Section 299.100 of the above-entitled ordinance be amended to read as follows:

299.100. Procedure for peddler's license. Upon the filing of an application for a peddler's license, it shall be presented to the commissioner of health. The vehicle or vehicles in such application described shall be inspected by the commissioner of health or the commissioner's deputy who shall keep a permanent record of said inspection, and who shall, if said vehicles are approved, so certify, in writing, on the application and deliver the same to the ~~director of licenses and consumer services~~ licensing official. In the event the commissioner of health approves said application, the license may be issued or denied pursuant to section 259.30. Unless the commissioner of health shall approve the application for license, no license shall be granted.

Section 4. That Section 299.110 of the above-entitled ordinance be amended to read as follows:

299.110. Vehicle license plates. Upon the registration of any vehicle or vehicles used in the sale and delivery or distribution of ice and the payment of fee therefor, the ~~director of licenses and consumer services~~ licensing official shall issue two (2) metal license plates for each vehicle, said license plates to be numbered serially, and the ~~director of licenses and consumer services~~ licensing official shall keep a record of each license plate issued and the vehicles to which it is assigned. Said license plates shall at all times be attached to said vehicle. There shall be one plate on each side of the vehicle, in a conspicuous place.

Section 5. That Section 299.120 of the above-entitled ordinance be amended to read as follows:

299.120. Transfer of license plates; exception. Where a vehicle owned by a licensee is damaged through an accident or otherwise, transfer of license plates may be made for a period not to exceed five (5) days, but in such event the licensee shall notify the ~~director of licenses and consumer services~~ licensing official, in writing, at the date of transferring, and shall also notify the ~~director of licenses and consumer services~~ licensing official at the end of the five-day period that such plates have been returned to the original vehicle.

Section 6. That Section 299.150 of the above-entitled ordinance be amended to read as follows:

299.150. Registration of cash and carry ice station. The granting of a license for a cash and carry ice station shall constitute a registration of the building or buildings upon which said business is being carried on or is proposed to be carried on and of the sources of such ice. The ~~director of licenses and consumer services~~ licensing official shall keep a record and thereafter no building or buildings of said licensee shall be added or withdrawn by the said licensee except as hereinafter set forth; nor shall ice be obtained from any different source.

Section 7. That Section 299.160 of the above-entitled ordinance be amended to read as follows:

299.160. Cash and carry station license plates. Upon the registration of the cash and carry ice station with the ~~director of licenses and consumer services~~ licensing official and the payment of the fee therefor, the ~~director of licenses and consumer services~~ licensing official shall issue a decal for each cash and carry ice station operated, to be numbered serially, and the ~~director of licenses and consumer services~~ licensing official shall keep a record of each decal issued and the station to which it is assigned. Said decals shall at all times be posted in a conspicuous place on each of said ice stations.

Section 8. That Section 299.170 of the above-entitled ordinance be amended to read as follows:

299.170. Building requirements for cash and carry station. No business of conducting a cash and carry ice station shall be conducted in a building used as a filling station or in any building in which flammable liquids or materials are kept or stored. Each building in which it is proposed to conduct a cash and carry ice station shall be approved by the ~~director of inspections~~ building official prior to the issuance of a license.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 301 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Laundries and Dry Cleaning Establishments.

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

Section 1. That Section 301.30 of the above-entitled ordinance be amended to read as follows:

301.30. Application for license. Application for any license under this article shall be made to the ~~department of licenses and consumer services~~ licensing official in writing stating the name of the applicant and the location of the premises to be licensed. If the applicant is a partnership, all partners' names shall be shown; if a corporation, the names of the principal officers shall be shown.

Section 2. That Section 301.40 of the above-entitled ordinance be amended to read as follows:

301.40. Approvals required. No license shall be granted under this article without the approval of the ~~director of inspections~~ building official, the chief of the fire department, and the commissioner of health. No dry cleaning establishment shall be licensed unless it complies with state law and this Code. Licenses shall be granted or denied pursuant to section 259.30.

Section 3. That Section 301.160 of the above-entitled ordinance be amended to read as follows:

301.160. License application. Any person desiring a license under the terms of this article shall make application in writing to the ~~department of licenses and consumer services~~ licensing official in the city on forms to be furnished by ~~such department~~ the licensing official, and such application shall contain among other things, the name of the person conducting the business, the address of the applicant, the address at which such business shall be conducted, the number and type of machines to be installed and used, and such other information as the ~~department of licenses and consumer services~~ licensing official, the ~~director of inspections~~ building official, the fire department or health

department shall require, and such application shall be accompanied by a drawing or plat of the premises to be licensed showing the proposed installation of any machine or machines to be used in said business. Such plat shall show all details of connections and operational facilities. The application, together with the plat or map, shall be submitted to the ~~director of inspections~~ building official, the fire department and the health department for inspection.

Section 4. That Section 301.180 of the above-entitled ordinance be amended to read as follows:

301.180. Installation requirements. (A) *Installation Plans:*

- (1) Before any installation is begun, a floor plan complete with all details of the requirements herein must be submitted to the ~~department of inspections~~ building official. This plan should show the building outline, location of all mechanical equipment in the building, fans with their CFM capacity, etc. This plan should be accompanied with detailed operation, installation and maintenance manuals prepared by the manufacturer of the proposed dry cleaning machine.
- (2) Upon receiving written approval of the plans, the installation may be made.
- (3) Before the machines can be put into operation for use, the installing contractor must arrange for the inspection of the equipment by the ~~department of inspections~~ building official and receive approval on same.

(B) *Location:*

- (1) Coin-operated dry cleaning equipment locations must be approved by the ~~department of inspections~~ building official prior to the installation of machinery.
- (2) Approval will not be granted for any building occupied in any part as a dwelling.
- (3) Buildings should be single story structures with concrete floors in good condition. Installations in buildings not having concrete floors may be approved upon application, provided the requirements for proper ventilation, confinement of solvents within the dry cleaning service area and appropriate segregation of all building areas and equipment are installed and maintained to protect health. Complete information about the building and its construction must be included in the plans.

(C) *General:*

- (1) The solvent shall be stored in closed containers, and should be transferred from the containers in a line free of leaks. All storage facilities for solvent, external from the equipment, must meet the requirements of the fire department.
- (2) Filter residue and other residues containing solvent shall be disposed of so as not to create a health hazard or nuisance. A covered metal container should be used for temporary storage outside the building.
- (3) Respiratory protective equipment shall be provided for maintenance personnel and must be kept in good repair and available for immediate use. Chemical cartridge respirators are approved for light solvent concentrations and the wearer should replace the cartridges immediately upon noting odor.
- (4) A utility fire extinguisher of either the carbon dioxide or dry chemical type must be provided for use against electrical or oil fires.

(D) *Installation and Operation:*

- (1) *Generally.* Only the front or customer side of the dry cleaning machine should be exposed to the customer area. The working or maintenance portion of the equipment should be separated from the front of the machine by a solid partition. No combustion equipment should be in the service area. Should the door to the service area of the machine itself be from the customer area, it must be so controlled that the emergency fan will go on automatically at any time the access door is opened.
- (2) *Air movement through customer area.* As a means of minimizing any solvent build-up in the customer area and also to control any minor solvent leakage, it is required that there be a minimum flow rate from the customer area through the partition as follows:

No. of Machines	Minimum Flow Rate Per Machine (CFM)
1—3	500
4—8	400
9—16	375
17 or more	360

(Example: An 8-machine installation requires a minimum continuous exhaust flow rate of 3200 cfm.)

The exhaust ventilation as described above shall be provided on a continuous basis while the store is open for business. The fan wiring shall

be such that the dry cleaning equipment cannot be operated unless the fan system is in operation.

- (3) *Emergency fan.* It is also required that a general ventilation fan be installed in the back room or maintenance area to be used in case of serious solvent leakage. This fan may be installed in the rear wall and should have a minimum exhaust capacity of one thousand (1,000) cfm per machine when combined with the system in (D)(2).
- (4) *Loading door.* The cleaning equipment must be provided with an exhaust system capable of maintaining a minimum of one hundred (100) feet per minute face velocity through the loading door whenever the door is open. The duct work connections from this system must be sealed (soldered or taped) and the discharge stack extended to a minimum height five (5) feet above the roof line.
- (5) *Dike and drain tank.* Machines and filter assemblies shall be installed within either a liquidtight concrete dike or pan to contain the solvent should leakage occur. The floor within said dike shall be pitched to drain to a six-inch floor drain or a sump well. Such drain or well shall be connected to an emergency solvent storage tank and this tank shall be of sufficient capacity to hold all of the cleaning solvent contained in one complete system. Storage tanks shall be suitably vented to the exterior and to a minimum of two (2) feet above the roof line.
- (6) *Interlock system.* An interlock system must be provided on the machine to prevent the loading door from being opened during the normal cycle. This system may be either electrical or mechanical and so connected that in the event of a power failure the machine fails safe.
- (7) *Make-up air.* A supply of tempered make-up air greater than the total volume of air exhausted from the plant must be provided in order to eliminate any negative pressure condition which might develop. Under no condition will machines be allowed to operate where the customer area is not kept above atmospheric pressure. This requirement must be demonstrated to be complied with by proper tests being done by the installing contractor in the presence of the inspector. The make-up air supply fan must be automatically started to operate simultaneously with the fan drawing air from the customer area as outlined above in (2).
- (8) *Operating instructions.* A step by step instruction list must be posted in a conspicuous location near the machine for customer use. A competent trained operator must be available or on call as long as the premises are open for business. A telephone number must be listed for emergency assistance.

- (a) A solvent vapor sensing device within the tumbler is desirable to control the drying cycle and to prevent the removal of the solvent-laden garments.
 - (b) The machine design must be such that essentially no solvent is retained in the cleaned items upon completion of the dry cleaning cycle. A simple performance test which must be satisfied is the lack of any solvent odor in a closed automobile containing a newly cleaned load.
 - (c) It is the responsibility of the proprietor to make certain that clothing which cannot be properly cleaned and dried will not be placed in the machines.
- (9) The machine should be checked daily and kept in good repair. All maintenance personnel should be familiar with necessary machine repairs and instructed as to the solvent hazards.
 - (10) Solvent control is to be such that under normal operation and use conditions no solvent odor can be detected in the customer area.
 - (11) Only the solvent specified by the equipment manufacturer shall be used.
 - (12) Exhaust ventilation stacks from dry cleaning machines should be located as far as possible from combustion air or drier air intakes.
 - (13) Should any installation require a deviation from any part of these requirements a plan showing in detail the proposed deviation and stating the reason for the change should be submitted to the director of inspections. Written approval from the ~~director of inspections~~ building official must be received by the installer before commencing any work.
 - (14) Every licensee under the terms of this article shall maintain in full force and effect public liability insurance to indemnify any person against loss or injury in the sum of fifty thousand dollars (\$50,000.00) for injury or loss to one person and one hundred thousand dollars (\$100,000.00) for each occurrence and fifty thousand dollars (\$50,000.00) property damage.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 303 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Horse and Carriage Livery Services.

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

Section 1. That Section 303.30 of the above-entitled ordinance be amended to read as follows:

303.30. License fee; cleanup fee. The annual license fee and street cleanup fee for a horse and carriage livery service shall be as established in Appendix J, License Fee Schedule. The cleanup fee shall be collected by the ~~department of licenses and consumer services~~ licensing official with the annual license fee and shall be credited to the department of public works for street maintenance purposes. The cleanup fee shall not apply to licensees who operate for ten (10) or fewer days in a calendar year.

Section 2. That Section 303.60 of the above-entitled ordinance be amended to read as follows:

303.60. Vehicle operation. Every horse and carriage operated in the City of Minneapolis shall observe all federal, state and local laws applicable to it. Drivers shall hold a Minnesota driver's license. Every vehicle shall be kept in neat appearance and good mechanical and running condition. Each vehicle shall conspicuously display a two-digit identification number, issued by the ~~department of licenses and consumer services~~ licensing official, on the right and rear side of the carriage.

Section 3. That Section 303.80 of the above-entitled ordinance be amended to read as follows:

303.80. Maintenance of animals. Prior to use in a horse and carriage operation, each horse shall be physically examined and certified as healthy and fit for the type of workload anticipated. The examination and certification shall be performed by a veterinarian licensed by the State of Minnesota, who shall be a member of the Minnesota Veterinary Medical Association, a member of the Minnesota and American

Associations of Equine Practitioners, and specializing in equine medicine. The records of such examinations and certifications shall be reviewed by the health department and no horse shall be used in a horse and carriage operation without health department approval. The health department shall adopt appropriate standards for health and fitness of horses used in horse and carriage operations. Reexamination and recertification of animals shall be performed as needed by a veterinarian with the qualifications described in this section, at not to exceed thirty-calendar-day intervals. All records of such examinations and certifications shall be maintained by the licensee and available for review by the appropriate authorities. Prior to being used in a horse and carriage operation, each horse shall be issued an identifying number by the ~~department of licenses and consumer services~~ licensing official. The licensee shall attach the number to the horse and keep it visibly displayed during operation. The number shall be used to identify the horse in all necessary records including records of veterinary examinations.

Section 4. That Section 303.85 of the above-entitled ordinance be amended to read as follows:

303.85. Stabling of animals. Every licensee shall maintain outside the City of Minneapolis a permanent horse stable where it shall keep the horses used in its licensed horse and carriage operation. The stable shall contain adequate buildings and open ground to provide proper training, care, feeding, exercise, and rest for the animals. Upon passage of this section, upon application for a new license or renewal, and upon reasonable request by the ~~department of licenses and consumer services~~ licensing official, every licensee shall furnish the address and location of its stable to the department. The stable shall be open to the license and health officials of the City of Minneapolis at all reasonable times. Every horse used in a licensed horse and carriage livery operation shall be transported out of the city to the licensee's permanent stable at the end of every business day. No licensee shall keep horses in the city overnight at any temporary stable, transfer facility, loading zone, or any other location, whether on public or private property.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 304 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Hoofed and/or Small Animal Service.

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

That Section 304.60 of the above-entitled ordinance be amended to read as follows:

304.60. Conditions. Every licensee shall notify the ~~department of licenses and consumer services or its designee~~ licensing official a minimum of seven (7) days prior to bringing a hoofed or small animal into the city for a qualifying event. The ~~department of licenses and consumer services~~ licensing official, in conjunction with the ~~animal control officer~~ manager of animal care and control, shall have the authority to require the investigation and inspection specified in section 74.60 as well as the authority to specify further conditions under which the animals shall be kept while in the city.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 305 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Pedicabs.

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

Section 1. That Section 305.45 of the above-entitled ordinance be amended to read as follows:

305.45. License number. All pedicabs shall be assigned a number or number series by the ~~department of licenses and consumer services~~ licensing official. The number assigned shall be displayed on the lower left rear side of the pedicab and shall be a minimum of three (3) inches in height and in a contrasting color that does not blend into the paint color of the pedicab. All trailers attached to a pedicab shall display the same number of the pedicab so attached on the trailer.

Section 2. That Section 305.50 of the above-entitled ordinance be amended to read as follows:

305.50. License application. (a) Application for a pedicab license under this chapter shall be made on forms provided by the ~~department of licenses and consumer services~~ licensing official and shall contain such information as the ~~department~~ licensing official may require, including the name, address and telephone number of the applicant; whether the applicant is a natural person, partnership, corporation or unincorporated association; the names and addresses of all partners, if a partnership, or of all officers and directors, if a corporation; and the names and addresses of all persons authorized to operate a pedicab on behalf of the licensee.

(b) Application for a pedicab driver license under this chapter shall be made on forms provided by the ~~department of licenses and consumer services~~ licensing official and shall contain such information as the ~~department~~ licensing official may require, including the name, address, and telephone number of the applicant. Each pedicab license shall indicate the name of the pedicab company for which the driver works. No pedicab driver shall drive for a different pedicab company without first notifying the licensing ~~department~~ official and obtaining a new driver's license indicating the new

pedicab company. Every pedicab driver shall meet and maintain the following requirements in order to hold a pedicab driver license:

- (1) Possess a valid Minnesota driver license or a valid driver license from their home state. Those with out of state driver licenses must not have a currently cancelled, revoked or suspended Minnesota driver license. Those with out of state driver licenses, must provide a certified copy of their driving and criminal history from their home state.
- (2) Be a minimum of eighteen (18) years old.
- (3) Shall not have had more than three (3) moving violations in the last three (3) years and no more than two (2) moving violations in the last year.
- (4) Shall not have been convicted of careless or reckless driving within the last three (3) years.
- (5) The provisions of Minnesota Statutes, Chapter 364 shall govern the eligibility of an applicant or license holder to acquire or maintain a pedicab driver license based on a prior or present criminal conviction or convictions.

Section 3. That Section 305.70 of the above-entitled ordinance be amended to read as follows:

305.70. Annual pedicab inspection. ~~The director of licenses and consumer services~~ licensing official shall require an annual pedicab inspection and may designate minimum safety standards for equipment and body defects. Pedicabs found to not meet minimum inspection standards may be identified as "out of service" and shall not operate until such defects have been repaired and approved by the ~~director or their designee~~ licensing official.

Section 4. That Section 305.90 of the above-entitled ordinance be amended to read as follows:

305.90. Operating restrictions and conditions. (a) No pedicab shall be operated upon a public sidewalk or other city property where the operation of a pedicab is prohibited.

(b) No pedicab shall use any public street or other public property as a waiting or parking area unless such area is a legal motor vehicle parking area or as permitted pursuant to Section 482.30, or in an established pedicab stand. Parked pedicabs shall not be attached to any object in accordance with Minneapolis Code of Ordinances Section 490.150

(c) No pedicab driver shall consume an alcoholic beverage while on duty or allow any passenger of the pedicab to drink or consume alcoholic beverages or to possess an open container of alcoholic beverages.

(d) All pedicabs shall be clean and maintained in a good state of repair. All pedicabs shall be maintained by the company so as to be well painted and have a damage or deterioration free appearance, and in safe operational condition. Pedicabs shall be, at all reasonable times, subject to inspection by the ~~department of licenses and consumer services~~ licensing official.

(e) All pedicabs shall display a valid license decal, centered on the rear of the pedicab vehicle or between the turn signals, issued by the ~~director of licenses and consumer services~~ licensing official, and the name and phone number of the licensee, and the schedule of the rates or fees charged for passenger services.

(f) Pedicab drivers shall have in their possession a valid driver's license, proof of insurance and a pedicab driver license while in control of any pedicab, and shall operate the pedicab in compliance with all applicable federal, state, and local traffic laws, Minneapolis City Ordinance and in a manner so as to assure the safety of persons and property.

(g) All pedicab operators shall obey and comply with any lawful order or direction of any police officer, traffic control agent, or ~~regulatory services inspector,~~ licensing official, and shall refrain from the use of any profane language or from interference with such officials while in the performance of their duties.

(h) No pedicab driver shall have in his or her possession a lighted cigarette, cigar, or pipe while driving a pedicab which is occupied by a passenger.

(i) A pedicab driver license issued under this chapter shall be coterminous with the licensee's driver license. Any time that a licensee's driver's license is suspended, revoked, or cancelled, his or her pedicab driver's license shall likewise be immediately suspended, revoked, or cancelled. The pedicab driver's license shall immediately be surrendered to the ~~department of licenses and consumer services~~ licensing official until such time his or her driver's license is reinstated.

(j) No pedicab driver shall permit more than three (3) passengers to be carried in a pedicab except that passengers weighing forty (40) pounds or less may be seated on the lap of a passenger who occupies a permanently affixed seat, and at no time shall the driver allow any passenger to ride in any area of the pedicab that was not specifically designed as a seat. No more than three (3) passengers shall be allowed in any affixed trailer except that passengers weighing forty (40) pounds or less may be seated on the lap of a passenger who occupies a permanently affixed seat.

(k) At no time shall anyone other than a licensed pedicab driver be allowed to operate the pedicab.

(l) At no time shall a pedicab driver play or allow the playing of any amplified sound equipment in violation of Chapter 389 of the Minneapolis Code of Ordinances.

(m)Pedicab drivers must be properly attired with a shirt, pants or shorts and secure footwear.

(n) Pedicab drivers shall not stop to load or unload passengers or their belongings in the intersections of any street, crosswalks or in any manner or other location that would be considered unsafe. No pedicab shall load or unload in any such manner that will in any way impede or interfere with the orderly flow of traffic on the streets.

(o) It shall be unlawful for any pedicab owner or driver to allow or cause to be operated a pedicab in any unsafe manner or operating condition.

(p) In the event that a passenger leaves an article in the pedicab, the driver shall immediately attempt to return it. If the driver is unable to immediately return the article, it shall be turned into the pedicab company office at the end of the driver's shift or the first available opportunity.

(q) Any pedicab not in compliance with the minimum requirements of section 305.95 will be cited and placed "immediately-out-of-service". Any vehicle which has been so removed from service shall not be returned to service until such vehicle has been approved by the ~~department of licenses and consumer services~~ licensing official for service.

Section 4. That Section 305.110 of the above-entitled ordinance be amended to read as follows:

305.110. Pedicab company licenses. Every licensed pedicab company shall:

- (1) Take affirmative measures to insure that all of its owners and drivers comply with the terms of this chapter.
- (2) Be responsible for the operation of an unlicensed pedicab driver.
- (3) Insure that no pedicab is operated in unsafe mechanical condition or continues to operate after it has been ordered out of service.
- (4) Promptly respond to all requests for information from the department of licenses and consumer services.
- (5) Promptly report any and all accidents involving pedicabs operating in Minneapolis to the ~~department of licenses and consumer services~~ licensing official.

(6) Every licensed pedicab company shall be deemed the agent for service of all notices, orders, and other correspondence from the City of Minneapolis to pedicab drivers operating under their company license.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 306 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Commercial Pedal Car.

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

Section 1. That Section 306.50 of the above-entitled ordinance be amended to read as follows:

306.50. License number. All commercial pedal cars shall be assigned a number or number series by the ~~department of licenses and consumer services~~ licensing official. The number assigned shall be displayed at least two (2) inches to the right of the rear left hand turn signal but no further than the center of the commercial pedal car and shall be a minimum of three (3) inches in height and in a contrasting color that does not blend into the paint color of the commercial pedal car.

Section 2. That Section 306.60 of the above-entitled ordinance be amended to read as follows:

306.60. License application. (a) Application for a license under this chapter shall be made on forms provided by the ~~department of licenses and consumer services~~ licensing official and shall contain any information the ~~department~~ licensing official may require, including the name, address and telephone number of the applicant; whether the applicant is a natural person, partnership, corporation or unincorporated association; the names and addresses of all partners, if a partnership, or of all officers and directors, if a corporation; and the names and addresses of all persons authorized to operate a commercial pedal car on behalf of the licensee.

(b) Application for a pedal car driver license under this chapter shall be made on forms provided by the ~~department of licenses and consumer services~~ licensing official and shall contain such information as the ~~department~~ licensing official may require, including the name, telephone number, date of birth, current address and all residing addresses within the previous five (5) years of the applicant. Each pedal car driver license shall indicate the name of the pedal car business for which the driver works. No pedal car driver shall drive for a different pedal car business without first notifying the licensing ~~department~~ official and obtaining a new driver's license indicating the new

pedal car company. Every pedal car driver shall meet and maintain the following requirements in order to hold a pedal car driver license:

- (1) Possess a valid Minnesota driver license or a valid driver license from their home state. Those with out-of-state driver licenses must not have a currently cancelled, revoked or suspended Minnesota driver license. Those with out-of-state driver licenses must provide a certified copy of their driving and criminal history from their home state.
- (2) Be a minimum of eighteen (18) years old.
- (3) Shall not have had more than three (3) moving violations in the last three (3) years and no more than two (2) moving violations in the last year.
- (4) Shall not have been convicted of careless or reckless driving or any violation of Minn. Stat. 169A (driving while impaired) within the past three (3) years.
- (5) The provisions of Minnesota Statutes, Chapter 364 shall govern the eligibility of an applicant or license holder to acquire or maintain a pedal car driver license based on a prior or present criminal conviction or convictions.

Section 3. That Section 306.80 of the above-entitled ordinance be amended to read as follows:

306.80. Approved tour assembly sites required. All commercial pedal car businesses shall operate tours only from approved commercial locations on private property approved by the ~~department of licenses and consumer services~~ licensing official. These sites shall be used by the licensed business as the locations for patrons to gather and assemble prior to embarking on a commercial pedal car tour and to disembark at the conclusion of the tour. Approved sites shall provide patron access to restroom facilities and a minimum of three (3) off street customer parking spaces per pedal car operated from the site. Any approved assembly site located in the B4 Downtown Business District shall be exempt from the restroom facilities and the customer parking requirements. Any assembly site utilized three (3) or fewer times during the annual license period shall be exempt from all requirements of this section.

Section 4. That Section 306.90 of the above-entitled ordinance be amended to read as follows:

306.90. Commercial pedal car inspections. (a) *Initial inspections.* All commercial pedal cars must pass an initial inspection of condition and compliance with safety and equipment standards under this chapter before a commercial pedal car license is issued.

(b) *Annual inspections.* The ~~director of licenses~~ licensing official shall require an annual commercial pedal car inspection and may designate minimum safety standards for equipment and body defects. A separate fee as established in the license fee schedule may be required for an annual inspection. Commercial pedal cars found to not meet minimum inspection standards may be identified as "out of service" and shall not operate until such defects have been repaired and approved by the ~~director or the director's designee~~ licensing official.

(c) *Periodic inspections.* The ~~director of licenses~~ licensing official shall have the right to examine and inspect any licensed commercial pedal car at any reasonable time in order to ensure compliance with all applicable ordinances, laws and rules.

(d) *In-operation inspections.* If an inspector finds a commercial pedal car in operation exhibiting continuing and present safety concerns, the commercial pedal car may be immediately ordered out of service until necessary repairs are made or the safety concerns are resolved. Qualifying safety concerns may include but are not limited to failure to abide by applicable ordinances, laws or rules, flat tires, inoperable head lights or tail lights, or other mechanical or operational issues making the vehicle presently unsafe to operate.

Section 5. That Section 306.120 of the above-entitled ordinance be amended to read as follows:

306.120. Operating restrictions and conditions. (a) No commercial pedal car shall be operated or parked on a public sidewalk.

(b) No commercial pedal car shall use any public street or other public property as a waiting area unless such area is a legal motor vehicle parking area or as permitted pursuant to section 482.30 of this Code. No pedal car shall park or wait in a taxi stand as defined in section 482.10 of this Code.

(c) No commercial pedal car driver shall consume any alcoholic beverages while on duty or operate a commercial pedal car while impaired in any manner to any threshold provided by Minn. Statute Section 169A.20(1), as amended.

(d) All commercial pedal cars shall be clean and maintained in a good state of repair. All commercial pedal cars shall be maintained by the commercial pedal car business so as to be well painted and have an appearance free of damage or deterioration, and a safe operational condition. Commercial pedal cars shall be, at all reasonable times, subject to inspection by the ~~department of licenses and consumer services~~ licensing official or the police department.

(e) All commercial pedal cars shall display a valid license decal conspicuously displayed, issued by the ~~director of licenses and consumer services~~ licensing official.

(f) All commercial pedal cars shall have the trade name and phone number of the licensee conspicuously displayed on the pedal car.

(g) All commercial pedal car passengers consuming alcohol shall be of legal age as established pursuant to Minn. Statute Section 340A.503, as amended.

(h) Commercial pedal car drivers shall have in their possession proof of insurance, valid state driver's license and a commercial pedal car drivers license while in control of any commercial pedal car and shall operate the pedal car in compliance with all applicable federal, state, and local traffic laws, ordinances, or other applicable regulations and in a manner so as to assure the safety of persons and property. These documents shall be made available upon request of law enforcement, ~~an authorized city license inspector~~ the license official, or traffic control agent.

(i) All commercial pedal car drivers shall obey and comply with any lawful order or direction of any police officer, traffic control agent, or license inspector, and shall refrain from the use of any profane language or from interference with such officials while in the performance of their duties.

(j) No commercial pedal car driver shall permit more passengers to be carried in a commercial pedal car than the commercial pedal car's normal seating capacity and no more than two (2) persons in addition to the driver may be in the center aisle while vehicle is in motion.

(k) No commercial pedal car driver shall allow a passenger or other individuals to drive their commercial pedal car unless that individual also holds a commercial pedal car driver's license.

(l) Commercial pedal cars may operate on Minneapolis Park and Recreation property only with prior written approval from the Minneapolis Park and Recreation Board.

(m) No glassware of any kind shall be allowed on a commercial pedal car including but not limited to bottles, receptacles or drinking glasses.

(n) No music or amplified sound shall be played, nor yelling or conversation be conducted, in such a manner that the sound of which carries to points of habitation or adjacent properties and is audible above the level of conversational speech at a distance of fifty (50) feet or more from the point of origin of the sound.

(o) No alcoholic beverages other than beer, wine, hard cider, or malt-based beverages below six (6) percent alcohol may be consumed by passengers of a commercial pedal car.

(p) It is the responsibility of the commercial pedal car driver to properly dispose of all trash.

(q) A commercial pedal car driver must be properly attired with a shirt, pants, skirt or shorts and secure footwear.

(r) A commercial pedal car driver shall not stop to load or unload passengers or their belongings in the intersections of any street, crosswalk or in any manner or other location that would be considered unsafe. No commercial pedal car driver shall load or unload in any such manner that will in any way impede or interfere with the orderly flow of traffic on the streets.

(s) It shall be unlawful for any commercial pedal car driver to allow or cause to be operated a pedal car in any unsafe manner or operating condition.

(t) It is the responsibility of the commercial pedal car driver to actively and affirmatively manage the behavior of the passengers of the commercial pedal car so that their behavior remains law-abiding during the excursion, both while the pedal car is in motion and at a stop. Behavior which shall be prohibited and prevented includes specifically, but is not limited to, violations of Minn. Statute Sections 617.23 (indecent exposure) and 609.72 (disorderly conduct), and sections 227.180 (public urination) and 225.10 (littering) of this Code.

(u) Any commercial pedal car not in compliance with the minimum requirements of section 306.130 may be cited and placed immediately-out-of-service. Any vehicle which has been so removed from service shall not be returned to service until such vehicle has been approved by the ~~department of licenses and consumer services~~ licensing official for resumption of service.

Section 6. That Section 306.150 of the above-entitled ordinance be amended to read as follows:

306.150. Commercial pedal car company licenses. Every licensed pedal car company shall:

(a) Take affirmative measures to insure that all of its owners and drivers comply with the terms of this chapter.

(b) Be responsible for the operation of an unlicensed pedal car driver.

(c) Ensure that no pedal car is operated in unsafe mechanical condition or continues to operate after it has been ordered out of service.

(d) Promptly respond to all requests for information from the ~~department of licenses and consumer services~~ licensing official.

(e) Promptly report any and all accidents involving pedal cars operating in Minneapolis to the ~~department of licenses and consumer services~~ licensing official.

(f) Every licensed pedal car company shall be deemed the agent of service of all notices, orders, and other correspondences from the City of Minneapolis to pedal car drivers operating under their company license.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 307 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Valet Parking.

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

Section 1. That Section 307.10 of the above-entitled ordinance be amended to read as follows:

307.10. Definitions. As used in this chapter, the following terms shall mean:

Authorized valet loading zone: A location which has been approved by the city council or its designee as an area where valet parking is permitted.

~~*Department:* The department of regulatory services, licenses and consumer services division.~~

Licensing official. The licensing official designated by the director of community planning and economic development, who supervises the licensing and consumer services functions of the city.

Valet parking: The process by which a patron's vehicle is removed from spaces on the public street to a private parking area for storage and subsequent retrieval upon the patron's demand.

Valet parking license: The license issued by the ~~department~~ licensing official allowing a valet parking operator to operate within the city.

Valet parking operator: A natural person, corporation, partnership, business association, or other organizational entity who, through its agents and employees, provides the service of valet parking.

Section 2. That Section 307.80 of the above-entitled ordinance be amended to read as follows:

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307.80. License application. Application for a license under this chapter shall be made on forms provided by the ~~department~~ licensing official and shall contain such information as the ~~department~~ licensing official may require, including:

- (1) The name, address and telephone number of the applicant; whether the applicant is a natural person, partnership, corporation or unincorporated association; the names and addresses of all partners, if a partnership, or of all officers and directors, if a corporation.
- (2) Insurance information as required by section 307.90 of this chapter.
- (3) The name and address of the business or businesses or entities which contracted with the valet parking operator for valet parking services at the authorized valet loading zone, and the name and address of the owner of the property at that location, if different from the business or businesses; the name and telephone number of the owner or manager of such businesses; and a copy of the agreement to provide valet parking at the authorized valet loading zone. The information required by this subsection shall not be required if the business itself possesses a valet parking license and is itself providing valet parking at its own location.
- (4) A copy of the valet loading zone authorization, issued by the city council or its designee, for the authorized valet loading zone which specifies location and the permitted days and hours of operation.
- (5) Proof of availability of off-street parking spaces to be used by the applicant.

Section 3. That Section 307.90 of the above-entitled ordinance be amended to read as follows:

307.90. Insurance required. Each applicant for a valet parking license shall file with the ~~department~~ licensing official a public liability policy or certificate of insurance from a company licensed to do business in the State of Minnesota insuring the applicant against any and all liability incurred in the use or operation of vehicles in the course of providing the service of valet parking. The policy of insurance shall be in the limits of not less than one hundred thousand dollars (\$100,000.00) for injury or death to one person, three hundred thousand dollars (\$300,000.00) for injury or death for each occurrence, and ten thousand dollars (\$10,000.00) for property damage. The applicant and the city shall be named as joint insureds on the liability policy.

Section 4. That Section 307.120 of the above-entitled ordinance be amended to read as follows:

307.120. Prohibited acts. No valet parking operator licensed under this chapter, or its employees or agents, shall commit any of the following acts:

- (1) Provide the service of valet parking at a location not authorized by the city council or its designee.
- (2) Provide the service of valet parking before or after the time of day specified in the valet loading zone authorization issued by the city council or its designee.
- (3) Park patrons' vehicles on a public street.
- (4) Except for that required by section 307.130 of this chapter, place signs, cones, or any other object in a traffic lane, parking lane or sidewalk, or otherwise block or hinder movement in a traffic lane.
- (5) Allow vehicles to remain in the authorized valet loading zone longer than fifteen (15) minutes.
- (6) Violate any traffic law, including, but not limited to, laws prohibiting double parking, use of alleys for through traffic, obstructing traffic, illegal "U" turns, and speeding. The ~~director of licenses~~ licensing official may approve the use of alleys in the central commercial district when approved in the written plan submitted by the licensee for valet loading zone authorization.
- (7) Store patrons' keys or operate any other aspect of the valet parking service from a vehicle parked on a public street.
- (8) Knowingly permit its employees or agents to loiter in the immediate vicinity of the authorized valet loading zone in a manner which disturbs the peace and quiet of other persons.

Section 5. That Section 307.130 of the above-entitled ordinance be amended to read as follows:

307.130. Required conduct. Valet parking operators licensed under this chapter, and their employees and agents, shall:

- (1) Fully comply with the requirements of the valet loading zone authorization issued by the city council or its designee.

- (2) Operate vehicles in compliance with all applicable federal, state and local laws, and in a manner so as to assure the safety of persons and property.
- (3) Provide each patron with a prenumbered receipt indicating the valet parking fee and the name and address of the operator.
- (4) Display a sign, whose design and location shall be approved by the ~~department~~ licensing official, indicating any fee for valet parking. This sign shall be easily visible to patrons as they enter the authorized valet loading zone.
- (5) Ensure that a supervisor designated by the valet parking operator is at the authorized valet loading zone at all times during hours of operation.
- (6) Provide adequate staffing to ensure that vehicles do not remain in the authorized valet loading zone for longer than fifteen (15) minutes.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 309 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Extended Hours of Operation.

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

Section 1. That Section 309.40 of the above-entitled ordinance be amended to read as follows:

309.40. Application required/contents of application. An applicant for an extended hours of operation license shall make application on the forms furnished by the ~~licenses and consumer services division~~ licensing official and shall provide all information deemed necessary by the ~~director~~ licensing official, including but not limited to the following:

- (1) The full name of the applicant, date of birth, and current residential address.
- (2) The applicant's social security number, individual tax identification number, or Minnesota sales tax identification number. For purposes of this requirement, "applicant" means an individual if the license is sought for or in the name of an individual or a corporation or partnership if the license is sought for or in the name of a corporation or partnership. "Applicant" also means an officer or director of a corporation, a member of a partnership, or an individual who is liable for delinquent taxes.
- (3) Proof of ownership of the property, or an executed lease agreement for the property.
- (4) The nature of the business to be conducted and its impacts of noise, light, and traffic.
- (5) Proximity to permitted or conditional residential uses.
- (6) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.

- (7) History of complaints related to the use.
- (8) A business plan is required for approval of this license that contains the following elements:
- a. Hours of operation;
 - b. A security plan that describes the security features, including personnel and equipment, that the applicant will employ and how they will be utilized;
 - c. Description of how the applicant will maintain the orderly appearance and operation of the premises with respect to litter and noise;
 - d. Description of how the business will have people exit the establishment at closing time and during an emergency that requires all people to exit the establishment quickly;
 - e. Such other reasonable and pertinent information as the city council may require; and
 - f. An applicant shall promptly notify the ~~director~~ licensing official, in writing, of amendment to the submitted business plan.

Section 2. That Section 309.50 of the above-entitled ordinance be amended to read as follows:

309.50. Public hearing required. Upon the filing of the application, the ~~director of licenses and consumer services~~ licensing official shall refer the application to its standing committee on licenses for consideration and the conduct of a hearing thereon. The ~~director of licenses and consumer services~~ licensing official shall notify, at least twenty-one (21) days in advance, by mail all residents, to the extent such notice is feasible, and property owners within three hundred (300) feet of the business requesting extended hours of the time and place at which such application shall be considered by the committee. Said notice shall go to all owners of record of property as identified in the records of the Hennepin County Department of Property Taxation. The ~~director~~ licensing official shall also notify the appropriate neighborhood group(s) and business association(s) of the time and place of the hearing.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 311 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Motor Scooter Leasing.

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

Section 1. That Section 311.30 of the above-entitled ordinance be amended to read as follows:

311.30. Application for license. Any person desiring a license shall apply in writing to the ~~department of licenses and consumer services~~ licensing official giving the name of the owner or manager of the business, the address of the business, the nearest street or parkway intersection to such place of business, the number of motor scooters to be used, and the state license number of each motor scooter.

Section 2. That Section 311.80 of the above-entitled ordinance be amended to read as follows:

311.80. Investigation. Upon the filing of such application, the ~~department of licenses and consumer services~~ licensing official shall investigate the traffic conditions in the immediate vicinity of applicant's proposed motor scooter business place, particularly during Saturdays and holidays, and report and recommend thereon to the city council.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 313 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Motor Vehicle Dealers.

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

Section 1. That Section 313.30 of the above-entitled ordinance be amended to read as follows:

313.30. Application for license. The application for a license shall be made in writing, and signed and verified by the applicant, on forms provided by the ~~director of licenses and consumer services~~ licensing official. Such application shall state the name of the applicant, age, residence, whether a registered voter of the city and, if a partnership, the names of all the partners, and shall be verified by one of them, and, if a corporation, the names of all of the officers thereof and verified by an authorized officer, and if additional licenses are applied for, for more than one place of business, the addresses of such additional places of business shall also be stated. Such application shall state the business and residence addresses of the applicant for a period of five (5) years prior to the date thereof and whether the applicant is the sole owner of the business to be conducted, and that no other persons than those named in the application have any interest in the management and control of such business.

Section 2. That Section 313.35 of the above-entitled ordinance be amended to read as follows:

313.35. Investigation; outstanding warrants. The ~~director of licenses and consumer services~~ licensing official shall investigate each application to determine that the applicant meets the qualifications to hold a motor vehicle dealer's license. For any original or renewal application, the investigation shall include an inquiry to the Hennepin County sheriff's department to determine whether there are any outstanding traffic warrants or overdue summons in the name of any company or trade name under which the business is known to operate, or in the name of an individual owner of the business, or in the name of a predecessor company or individual under which the business is known to have operated. If there are any outstanding traffic warrants or overdue summons, the license applicant shall be required to respond to them in the manner required by law, including, where appropriate by filing a complete affidavit of sale

indicating sale of the vehicle prior to the date of the violation. Failure to respond to outstanding warrants and summons in the manner required above shall be grounds for denial, revocation, suspension, or refusal to renew a license under this chapter.

Section 3. That Section 313.125 of the above-entitled ordinance be amended to read as follows:

313.125. Record of sale. The licensee shall maintain at each licensed premises a book in which shall be clearly written in ink on the day each car is sold at those premises the date of sale, the name and address of the buyer, and the serial number of the motor vehicle sold. Upon demand of any police officer, the ~~director of the department of licenses and consumer services or authorized representative~~ licensing official or any person designated by the mayor, the licensee shall promptly at any reasonable time display each book to such individual for inspection. The licensee's failure to maintain or display the books in accordance with this section shall be a violation of this chapter.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 315 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Motor Vehicle Lubricant Dealers.

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

That Section 315.20 of the above-entitled ordinance be amended to read as follows:

315.20. Application for, issuance of license. Applications for such licenses shall be made to the city council in writing and shall state the name of the applicant, place of business and of residence, and when granted by the city council such licenses shall be issued by the ~~director of licenses and consumer services~~ licensing official.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 317 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Motor Vehicle Repair Garages.

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

Section 1. That Section 317.10 of the above-entitled ordinance be amended to read as follows:

317.10. Defined. As used in this chapter, the following terms shall mean:

~~*Director:* The director of licenses and consumer services.~~

Licensing official. The licensing official designated by the director of community planning and economic development, who supervises the licensing and consumer services functions of the city.

Mobile repair garage: A vehicle which goes from place to place for the purpose of making motor vehicle repairs as defined herein.

Motor vehicle: A motor vehicle as defined in Minnesota Statutes, Section 169.01.

Motor vehicle repair garage: A business engaged in the repair of motor vehicles, except:

- (a) A business which performs motor vehicle servicing solely to the extent of fueling, checking fluid levels, replacing filters, and other minor servicing functions customarily performed by a gasoline filling station, when those services do not exceed a cost of fifteen dollars (\$15.00) including parts and labor;
- (b) A garage or shop engaged exclusively in repairing the motor vehicles of its own fleet.

Person: A natural person, firm, partnership, association, or corporation.

Refuse: Refuse shall include, but not be limited to, trash, debris, discarded or abandoned parts, containers and tools, and motor vehicles defined as abandoned in Minnesota Statutes, Chapter 168B.

Repair: Mechanical repairs, service, maintenance, alterations, diagnostic testing or body work, and/or the addition of equipment, supplies or parts to a motor vehicle.

Self-service motor vehicle repair garage: A repair garage in which the customer performs some or all of the labor, and in which the garage provides the customer with a service facility, or new or used parts, or advice, assistance, or diagnosis in the performance of repairs.

Workmanlike: Consistent with proper and accepted trade practices and in accordance with manufacturers' recommendations and specifications.

Section 2. That Section 317.30 of the above-entitled ordinance be amended to read as follows:

317.30. Application. Application for a motor vehicle repair garage license shall be made on forms provided by the ~~department of licenses and consumer services~~ licensing official. The form shall include:

- (a) The name, address, and birthdate of each applicant, each partner in the case of a partnership, and each officer and director in the case of a corporation;
- (b) The name and address of the business;
- (c) Such other information as the ~~director~~ licensing official may require to insure that the applicant meets the requirements of this chapter and of this Code as it relates to the business of a motor vehicle repair garage.

A business operating more than one motor vehicle repair garage may file a single application so long as it contains complete information as to each separate location and indicates the manager at each location.

Section 3. That Section 317.70 of the above-entitled ordinance be amended to read as follows:

317.70. Insurance required. Every license applicant shall provide and maintain in full force and effect public liability insurance to indemnify any person against loss or injury in the sum of one hundred thousand dollars (\$100,000.00) for injury or death to one person and three hundred thousand dollars (\$300,000.00) for each accident or occurrence, and ten thousand dollars (\$10,000.00) property damage, and shall contain a provision that no cancellation thereof shall become effective without thirty (30) days' prior notice thereof in writing to the ~~department of licenses and consumer services~~

licensing official. In addition, each applicant for a motor repair garage license shall file with the ~~department of licenses and consumer services~~ licensing official, a public liability policy or certificate of insurance for each vehicle used in the business of its motor vehicle repair garage. All tow trucks shall be insured according to the provisions of Chapter 349 of the Minneapolis Code of Ordinances. Each mobile vehicle repair garage vehicle shall be insured to the same policy limits as a Class C tow truck.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots.

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

Section 1. That Section 319.30 of the above-entitled ordinance be amended to read as follows:

319.30. Application for license. Any person desiring to be licensed to own or operate a commercial parking lot shall file an application with the ~~department of licenses and consumer services~~ licensing official on forms provided by the ~~department~~ licensing official. The application shall contain such information as the ~~department~~ licensing official may require, including plot plans and the street address of the applicant's residence, the name of the owner of the lot and the name of the manager or operator of the lot if different than the owner. No application shall be considered completed unless plot plans have been approved by the ~~department of inspections~~ building official and department of public works with regard to all requirements of this chapter.

Section 2. That Section 319.40 of the above-entitled ordinance be amended to read as follows:

319.40. License-granting procedure. Prior to the issuance of a Class A or B license, the city council shall determine if the parking lot complies with all the provisions of this chapter, other applicable provisions of the Code, and state statutes and regulations. If all such provisions are met and proper application has been made, the city council may grant the license. Prior to the issuance of a Class C license, the ~~director of licenses and consumer services~~ licensing official shall determine if the parking lot complies with all the provisions of this chapter, other applicable provisions of the Code, and state statutes and regulations. If all such provisions are met and proper application has been made, the ~~director~~ licensing official may grant the license.

Section 3. That Section 319.90 of the above-entitled ordinance be amended to read as follows:

319.90. Insurance required. Each applicant for a commercial parking lot license under this chapter at all times shall keep in full force and effect a public liability insurance policy written by an insurance company authorized to do business in this state, in the following amounts: Not less than five thousand dollars (\$5,000.00) property damage; twenty-five thousand dollars (\$25,000.00) for injury or death of one person; and fifty thousand dollars (\$50,000.00) for each occurrence. A copy of the policy or certificate of insurance shall be filed with the ~~department of licenses and consumer services~~ licensing official. The policy or certificate shall contain an endorsement as provided by section 259.160 of this Code of Ordinances. No cancellation of any insurance policy shall be valid except upon thirty (30) days' prior written notice to the ~~department of licenses and consumer services~~ licensing official.

Section 4. That Section 319.110 of the above-entitled ordinance be amended to read as follows:

319.110. Inspections required; notice, correction of violations. (a) At such times as deemed necessary, the ~~department of licenses and consumer services~~ licensing official shall inspect every parking lot located within the city. In the event a parking lot is found not in compliance with any of the provisions pursuant to this chapter a written notice shall be served personally upon the licensee of such parking lot or by mail at the residential address as appearing on the license application.

(b) The written notice shall describe the violation and shall be signed by the ~~director of licenses and consumer services~~ licensing official. The notice shall require the licensee to correct the listed violations within thirty (30) days after date of service of such notice or to show cause why such license should not be revoked at the next meeting of the appropriate city council committee following the thirty-day period. The notice shall contain a return to be signed by the server thereof attesting the manner in which the notice was served.

Section 5. That Section 319.210 of the above-entitled ordinance be amended to read as follows:

319.210. Attendant buildings. Attendant buildings shall be accessible to all reservoir areas and located no closer than five (5) feet from the sidewalk adjacent to any entrance or exit. Minimum standards for the materials and general design of attendant buildings shall be as follows:

(a) Attendant building shall have a minimum floor area sufficient to accommodate the normal complement of station-operating personnel. The building shall be enclosed and weathertight. It shall be equipped with an operable and lockable door and window. It shall be set on a curb or platform rising a minimum of six (6) inches above the adjacent lot paving. Service connections shall be in accordance with this Code.

(b) Materials of construction shall be compatible with the screening design and should respect the character of the surrounding neighborhood. Materials used in construction shall be of a permanent nature such as brick, stone, concrete, wood, terra cotta, prefinished metal, tile and other similar materials.

(c) All building plans shall be submitted to the ~~department of inspections~~ building official for approval so as to insure their compliance with all building codes. A building permit shall be required for construction of said building.

Section 6. That Section 319.225 of the above-entitled ordinance be amended to read as follows:

319.225. Parking lot security. (a) If the ~~director of licenses and consumer services~~ licensing official becomes aware of chronic problems or complaints with loitering, disorderly behavior, consumption of beverage alcohol, thefts, property damage, or other nuisance-related or criminal activity on parking lots licensed under this chapter, after (i) providing notice to the licensee of the concerns (ii) providing licensee a reasonable opportunity to correct the problem, and (iii) if the problems persist, conducting a hearing to ascertain if increased measures are warranted, the ~~director~~ licensing official may require such parking lots to provide increased monitoring or other reasonable security measures. To impose such monitoring or increased security measures, the ~~director~~ licensing official must prove at the hearing that a licensee, after notice and an opportunity to correct, has failed to adequately address the parking lot problems. The ~~director's~~ licensing official's determination may be based on all relevant evidence including the location's uniform crime reporting statistics.

(b) Licensees authorizing the removal or immobilization of a vehicle on a licensed parking lot for reasons of non-payment of a parking fee or a trespass violation must sign the required authorization form and be present when the service is performed. Said person authorizing this service must be an owner of the property from which the vehicle is to be removed, or the license holder of the parking lot license for the property, or a bona fide employee of the owner or parking lot license holder, or a duly authorized protective agent, licensed under Minnesota Statutes, Chapter 326, hired by the owner or parking lot license holder authorized in writing by the owner of this property to authorize towing. The person authorizing the towing service and signing the order form shall not be a motor vehicle service or immobilization service licensee, nor an employee or agent of a motor vehicle service or immobilization service licensee.

Section 7. That Section 319.230 of the above-entitled ordinance be amended to read as follows:

319.230. Signs. (a) Every Class A licensee shall maintain information signs on the parking lot. No information signs are required for Class B lots except that when signs are used they shall conform to the requirements of this section when applicable.

Said signs shall show the name and telephone number of the licensee or attendant, the license certificate number, the street address of the parking lot, and the rates charged for parking or storing automobiles on said premises. Such signs shall state the minimum rate, the maximum rate for twelve (12) hours, and the maximum rate for twenty-four (24) hours, and if there is no maximum rate, the sign shall so indicate. Such signs shall also state the rate for special events. No change in the posted rates shall be effective unless written notice of such change has been filed with the ~~department of licenses and consumer services~~ licensing official not less than seven (7) calendar days prior to the effective time of the change. Signs shall be either three (3) feet by five (5) feet horizontal, three (3) feet by five (5) feet vertical, or five (5) feet by ten (10) feet horizontal, permanently mounted with a minimum height to the bottom of sign of eight (8) feet and a maximum height to top of sign of fifteen (15) feet, and shall conform to all city codes regarding erection and construction. No temporary signs or overlays shall be permitted unless the price posted on such signs or overlays conforms with the price posted on the permanent signs on the lot. All signs shall be plainly visible to the public, and shall be printed in the "Standard Alphabet of Highway Signs" (series E); series C or D may be permitted upon approval to accommodate necessary long verbiage. Layout of sign graphics shall be according to the approved prototypes as approved by the city council on file with the ~~department of inspections~~ building official which establishes the standards pertaining to size of sign, color, and size of lettering, placement of information and identification symbols. Signs may include a business logo. In no case shall any letters or numerals be less than three (3) inches in height. The green color used shall be "outdoor advertising association standard" No. 144-L medium green.

(b) Signs on one-way streets need only display required graphics on the side facing traffic flow. In such cases the opposite face shall be painted white.

(c) Free parking lots may place no more than one (1) freestanding information sign at each entrance. The sign shall not be required to adhere to the above graphic requirements, but shall be limited to a maximum size of fifteen (15) square feet and in no case shall the longest dimension exceed five (5) feet.

(d) Except as permitted in this section, it shall be unlawful to attach signs to or display graphics of any type on licensed attendant buildings except to attach or incorporate into the building design a sign which specifies the hours of attendant duty, the location of keys after attendant hours, the name and phone number of licensee, and any other information essential to the normal operation of the lot.

(e) All parking lots that engage in towing of unauthorized vehicles shall post such practice on a sign at each lot entrance. The sign shall be a minimum of two (2) feet by three (3) feet. In addition, the sign shall include the license number, name and telephone number of Class A tower used, and the current fee charged for towing. No tower shall charge more than the amount indicated on the sign posted at the parking lot at the time of towing of the vehicle. Letters on such signs shall be at least two (2) inches in height. Such signs shall be clearly worded to explain the rules and procedure under which a vehicle may be parked and left on the open air parking lot. The language and

placement of the entrance signs shall be subject to approval by the ~~director of the department of licenses and consumer services or the director's duly authorized representative~~ licensing official. Compliance with this section shall occur within sixty (60) days of the effective date of the amendment.

(f) All parking lots that engage in immobilization of unauthorized vehicles shall post such practice on a sign at each lot entrance. The sign shall be a minimum of two (2) feet by three (3) feet. In addition, the sign shall include the license number, name and telephone number of immobilization service used, and the current fee charged for immobilization. No immobilization service shall charge more than the amount indicated on the sign posted at the parking lot at the time of immobilization of the vehicle. The sign must include the phrase "Violators Booted Immediately" and include a logo chosen by the ~~Director of licenses and consumer services~~ licensing official to represent the fact that the parking lot uses a vehicle immobilization service. The logo shall be displayed at a size of fourteen and one-half (14.5) inches in width and four and one-half (4.5) inches in height. Letters on such signs shall be at least two (2) inches in height. Such signs shall be clearly worded to explain the rules and procedure under which a vehicle may be parked and left on the open air parking lot. The language and placement of the entrance signs shall be subject to approval by the ~~director of the department of licenses and consumer services or the director's duly authorized representative~~ licensing official. Compliance with this section shall occur within sixty (60) days of the effective date of the amendment.

(g) The information required to be present on the signage in paragraphs (e) and (f) may be combined on one (1) sign.

(h) All Class A parking lots located within the Downtown B4 zoning district shall post at all points of entry a Minneapolis Police Department no trespassing sign of dimensions as approved by the Minneapolis Police Department. Additionally, at least one (1) no trespassing sign shall be visible from any point in the lot.

Section 8. That Section 319.250 of the above-entitled ordinance be amended to read as follows:

319.250. Alterations. It shall be unlawful for any parking lot operator to make any alterations in the approved plot plan layout pertaining to entrance and exit location; width and grade; design and location of attendant building; landscaping area or screening; location of signs; location of lighting; without first securing the approval of the department of public works and the ~~department of licenses and consumer services~~ licensing official.

Section 9. That Section 319.270 of the above-entitled ordinance be amended to read as follows:

319.270. Keys left in vehicles. Whenever keys to motor vehicles are required to be left in the vehicle or with an attendant, an attendant must be on duty at all

reasonable times and when such attendant is not on duty, the keys to the said motor vehicles shall be made available to the owners of such vehicles at some suitable place not more than one hundred fifty (150) feet distant from the parking area. Where no suitable place is available within one hundred fifty (150) feet, the license applicant shall submit to the ~~department of licenses and consumer services~~ licensing official the location of the nearest suitable place subject to review of the ~~department of licenses and consumer services~~ licensing official and approval by the city council. In all instances, the location of key storage shall be made known to the tow desk of the police department.

Section 10. That Section 319.320 of the above-entitled ordinance be amended to read as follows:

319.320. Extensions of time. ~~After June 1, 1984, n~~No extension of time to comply with any of the requirements of this chapter shall be granted except to a parking lot situated on land scheduled for development in the immediate future. In the case of a parking lot so situated, the city council may grant an extension of time only to comply with the paving requirements of section 319.120, the landscaping requirements of section 319.200, and the provision of section 319.200 regarding the placement of attendant buildings.

A licensee seeking an extension of time shall do so by petition to the ~~department of licenses and consumer services~~ licensing official. When a petition has been filed, a hearing shall be scheduled before the standing committee of the city council responsible for licenses. No extension of time shall be granted unless the licensee shows that plans actually exist for the development of the property in the immediate future and that there are particular hardships and practical difficulties in the way of carrying out paving and landscaping without delay.

When an extension of time is granted, it shall be in writing and shall specify the date upon which paving and landscaping improvements must be completed. No extension of time shall be granted for a period longer than twelve (12) months.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 320 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Vehicle Immobilization Service.

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

Section 1. That Section 320.35 of the above-entitled ordinance be amended to read as follows:

320.35. Location restrictions. Vehicle immobilization may only occur on property that is deemed to be a restricted access property by the ~~director of licenses and consumer services~~ licensing official. Vehicle immobilization service licensees may request approval to perform vehicle immobilization services on a specific property by submitting a written request to the ~~director~~ licensing official. Such written request shall include a property site plan and explanation of the property access configuration constraints.

Section 2. That Section 320.40 of the above-entitled ordinance be amended to read as follows:

320.40. Application for license. Application for a license under this chapter shall be made on forms provided by the ~~Department of Licenses and Consumer Services~~ licensing official and shall contain such information as the ~~department~~ licensing official may require, including the following:

- (a) Name, date of birth, place of birth, and street address of the place where the applicant resides.
- (b) Street addresses of places where applicant has resided during the five (5) years preceding the date of application.
- (c) Whether applicant has been convicted of any crime or ordinance violation within the past ten (10) years preceding the date of application, including the specific charge, date of conviction, place of conviction, and sentence for such violation.

- (d) Whether applicant is a natural person, corporation, partnership or unincorporated association.
- (e) The street address and telephone number of the place where applicant proposes to operate the licensed business.
- (f) The private property locations where vehicle immobilization will be conducted and the persons authorized to order vehicle immobilization for each private property location.

Section 3. That Section 320.45 of the above-entitled ordinance be amended to read as follows:

320.45. Requirements of licensee. In addition to any other applicable regulation contained in this chapter or code, all vehicle immobilization service licensees and their employees shall operate in strict accordance with the following:

- (a) All licensees shall issue a uniform to its employees providing vehicle immobilization service. The uniform must consist of, at a minimum, a jacket, a shirt or a vest. The uniform must clearly list the name of the company providing vehicle immobilization service. The uniform must clearly identify the employee providing vehicle immobilization service. The employee identification can consist of either the employee's first and last name or the employee's first name with a code that is specific to that employee. This identification can be included on the uniform itself, or on a nametag that would be worn with the uniform. This uniform must be worn while the employee is providing vehicle immobilization service.
- (b) All licensees shall issue to its employees business cards that accurately reflect the employee's supervisor's name, business address and telephone number, as well as, the telephone number to be called to have the wheel locking device removed. A business card, complying with this section, must be provided to an individual upon request.
- (c) The licensee shall provide training in conflict management for its employees that install vehicle immobilization devices or have contact with those individuals who have been immobilized and shall provide documentation as to the content of the training and documentation as to the completion of that training to the ~~director of licenses and consumer services~~ licensing official. The ~~director of licenses and consumer services, or its designee,~~ licensing official shall review that documentation and may require additional training. For current and existing licensees and employees of licensees, this requirement shall be met within six (6) months of the date of passage of this ordinance. For new licensees, this requirement shall be met prior to the approval of the license by the city. For new employees, this requirement shall be met before the employee either installs a vehicle immobilization device or

has contact with an individual who has been immobilized, without the supervision of an employee who has received this training, or within three (3) months of the date of their hire whichever comes first.

Section 4. That Section 320.50 of the above-entitled ordinance be amended to read as follows:

320.50. Rules of operation. In addition to any other applicable regulation contained in this chapter or code, all vehicle immobilization service licensees and their employees shall operate in strict accordance with the following:

(a) Prior to installing a locking wheel boot on any motor vehicle at the request of someone other than the vehicle's owner, the vehicle immobilization service licensee shall determine that the parking lot has entrance warning signs which are in compliance with Chapter 319.230(f) of this code, and that in the case of Class A commercial parking lots, have an ample supply of self service fee payment supplies such as envelopes, pencils, instruction signs, and other common equipment. In the event that the parking lot lacks any such items, vehicle immobilization shall be prohibited.

(b) The person authorizing the vehicle immobilization must be an owner of the property, or the license holder of the parking lot license for the property, or a bona fide employee of the owner or parking lot license holder, or a duly licensed protective agent, licensed under Minnesota Statutes, Chapter 326, hired by the owner or parking lot licensee, or a vehicle immobilization service licensee or employee pursuant to section 320.50 (e)(2) of this Code.

(c) Vehicle immobilization service licensees shall use a printed order form that includes the name, address and telephone number of the licensee's business. A completed order form must include the name of the natural person authorizing the service, set forth in paragraph (b). The name of the person authorizing the service, and the date and time that the service was provided, must be stamped on the form. The person authorizing service shall sign the completed order form. The order form shall also include the name of the person installing the locking wheel boot, the location where the service is being provided, and a description of the vehicle to be immobilized. The vehicle immobilization service licensee shall have this authorized order form signed, fully completed and in personal possession before installing the locking wheel boot. The amount charged for the service, including any parking fees due, shall be included on this order form and a copy of this form shall be given to the person reclaiming the vehicle. All of the information on the order form must be legible. The original copy of the completed order forms shall be maintained at the licensee's place of business for a period of not less than two (2) years and shall be made available for review by the Director of Licenses and Consumer Services or their designated representative licensing official during all common and reasonable business hours.

(d) Vehicle immobilization service licensees shall have a process for handling complaints that arise from their immobilization of vehicles. On the back of the printed

order form set forth in paragraph (c), a vehicle immobilization service licensee shall include information on how to file a complaint with the licensee. The back of the printed form must also include notification, in a format and substance as approved by the licensing official to include, at a minimum, a telephone number that a complainant may use to contact the City of Minneapolis' ~~Department of Licenses and Consumer Services~~ at (612) 673-2080 if a complaint is not satisfactorily resolved.

(e) Parking Lot Patrol Activities.

(1) Except as provided in paragraph (e)(2), vehicle immobilization service licensees shall not perform parking lot patrol activities. Parking lot patrol activities shall be defined to include, but not limited to, determining which vehicles have not paid a parking fee or which vehicles are on the premises without the property owners' permission. Vehicle immobilization service licensees shall not enter a parking lot for the purpose of immobilizing a vehicle unless requested by the natural person authorizing the service, set forth in paragraph (b). Vehicle immobilization service licensees shall not have any employee waiting in any parking lot for which they are providing immobilization services. Waiting shall be defined to include any time in which the employee is not actively involved in providing vehicle immobilization services.

(2) A vehicle immobilization service licensee may perform parking lot patrol activities and may authorize immobilization provided that the licensee obtains a written and signed agreement from the owner of the property, or the license holder of the parking lot license for the property. The written agreement must detail when the vehicle immobilization service licensee is permitted to be on the property and the extent of the monitoring that will be done by the immobilization licensee. A copy of the agreement must be filed with the ~~Department of Licenses and Consumer Services~~ licensing official. The ~~Director of Licenses and Consumer Services~~ licensing official may reject any agreement that does not comply with the provisions of this section. If an agreement is rejected, a licensee cannot perform parking lot patrol activities until an agreement is filed that complies with this section. Whenever any changes are made to the written agreement, a new copy of that agreement must be filed with the ~~Department of Licenses and Consumer Services~~ licensing official. A vehicle immobilization service licensee that is performing parking lot patrol activities must comply with paragraph (n) of this section.

(f) The licensee shall maintain a chronological log or record of the vehicles that have been immobilized. The log shall indicate a description of the vehicle, location that the service was performed, time of service, and time of vehicle release. A copy of this log or record shall be delivered to the ~~Director of Licenses and Consumer Services~~ licensing official each month.

(g) Immediately upon installing the locking wheel boot, a blaze orange warning decal at least forty-seven (47) square inches in size shall be prominently placed in the center of the driver's side window or on the front windshield directly in front of the vehicle steering wheel. The specific language on the warning sign shall be subject to approval by the ~~Director of Licenses and Consumer Services~~ licensing official and shall clearly and legibly inform the operator of the vehicle that a locking device has been installed on the front left wheel of the vehicle and that attempting to move the vehicle will cause serious damage to the vehicle. This decal shall display the telephone number and address of the licensee. Upon payment of the service fee, the licensee shall offer to remove the decal and shall have in possession the appropriate materials needed to remove all parts of the decal and residue.

(h) Vehicle immobilization service licensees shall maintain a telephone line that is answered by a natural person whenever an employee, officer or agent of a licensee is working, and/or a locking wheel boot is attached to a vehicle. The licensee is required to ensure that this telephone number is accurately printed on the warning decal attached to the vehicle. In addition, the licensee shall ensure that no inaccurate phone numbers are displayed on signs at the parking lot location where the vehicle immobilization occurred, on the business cards required by section 320.45 (b), or on any other medium that is viewable by the public.

(i) Vehicle immobilization service licensees shall respond to a request to remove a wheel-locking device within sixty (60) minutes. If a licensee does not appear to remove the wheel-locking device within sixty (60) minutes of a customer request, the locking device shall be removed at no charge.

(j) Vehicle immobilization service licensees shall not install a wheel locking boot on any vehicle displaying tax exempt plates, any marked emergency vehicle, any United States military vehicle, or any vehicle displaying a handicap vehicle permit without a Minneapolis police officer being present and duly notified.

(k) To prevent personal injury, damage to property, disorderly conduct, or other criminal activity, vehicle immobilization service licensees shall comply with all police officers' requests to remove a wheel-locking device and shall remove the wheel-locking device at no cost.

(l) In the event that a vehicle is not claimed within twenty-four (24) hours, the licensee shall notify the Minneapolis impound lot of the vehicle's description and location. If the vehicle was reported as stolen, the licensee, at the direction of a police officer, shall remove the vehicle immobilization device free of charge.

(m) The vehicle immobilization service licensee may not attempt to collect service fees or parking lot fees after a vehicle has been impounded by a Class A motor vehicle service licensee.

(n) If a parking lot is being monitored by a vehicle immobilization service licensee or an employee or agent of the licensee, for the purpose of determining which vehicles are parked illegally, the licensee and the individual performing the monitoring must comply with this section.

- (1) During those times when the vehicle immobilization service licensee or agent of the licensee is actively monitoring the parking lot, the vehicle immobilization service licensee must provide a general notification that the parking lot is being actively monitored. That general notification must consist of a sign at each entrance for the lot. The signs must be a minimum of eighteen (18) inches by eighteen (18) inches. The signs must inform the public that the lot is being actively patrolled. The language and placement of the signs shall be subject to approval by the ~~director of the department of licenses and consumer services or the director's duly authorized representative~~ licensing official.
- (2) The vehicle service licensee shall not permit an individual unable to provide information as to the acceptable use of the parking lot to monitor the parking lot.
- (3) The individual monitoring the parking lot must remain visible in the parking lot while the parking lot is being actively monitored. While the individual is monitoring the lot, the individual shall wear a uniform as required in section 320.45(a).
- (4) The individual monitoring the parking lot shall provide accurate information to any individual who asks as to the acceptable use of the parking lot, the name of the company providing the vehicle immobilization service and the address and telephone number of the office of the vehicle immobilization service company.
- (5) If the individual monitoring the parking lot is able to determine that the driver of a vehicle has parked in a manner that would permit the vehicle to be immobilized, prior to that driver leaving the parking lot, and the individual monitoring the parking lot has a reasonable opportunity to warn that driver, that individual shall inform the driver that the vehicle must be moved or it will be immobilized.

(o) A vehicle shall not be immobilized if there is not compliance with this chapter.

Section 5. That Section 320.60 of the above-entitled ordinance be amended to read as follows:

320.60. Insurance required. Each applicant for a vehicle immobilization service license under this chapter shall at all times keep in full force and effect a public liability insurance policy written by an insurance company authorized to do business in the

State of Minnesota, in the following amounts: One hundred thousand dollars (\$100,000.00) for injury or death to one person, three hundred thousand dollars (\$300,000.00) for each injury or death from each occurrence, and twenty-five thousand dollars (\$25,000.00) for property damage. Proof of the required insurance policy must be submitted on forms provided by the ~~Department of Licenses and Consumer Services~~ licensing official.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 321 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Secondhand Dealers.

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

Section 1. That Section 321.30 of the above-entitled ordinance be amended to read as follows:

321.30. Exceptions. The following transactions shall not require a license under this article:

(a) The sale of secondhand goods at events commonly known as "garage sales", "yard sales" or "estate sales" where all of the following are present:

- (1) The sale is held on property occupied as a dwelling by the seller or owned, rented or leased by a charitable or political organization.
- (2) The occupant owns the items offered for sale and that none of the items offered for sale shall have been purchased for resale or received on consignment for purpose of resale.
- (3) The owner of the property conducts the sale and receives all proceeds from the sale.
- (4) That no sale exceeds a period of seventy-two (72) consecutive hours. That no more than two (2) sales are held in any twelve (12) month period at any residential dwelling.

(b) The sale or receipt of secondhand books, magazines, post cards, postage stamps, or philatelic material.

(c) Goods sold at the public market pursuant to the provisions of Chapter ~~202~~ 201 of the Minneapolis Code of Ordinances.

(d) Transactions conducted by an antique dealer licensed under Article II of this chapter.

(e) Goods sold at an exhibition pursuant to Article III of this chapter.

(f) Transactions conducted by a precious metals dealer licensed under Chapter 322 of the Minneapolis Code of Ordinances, and for which a precious metal dealer's license is required.

(g) Transactions conducted by a pawnbroker licensed under Chapter 324 of the Minneapolis Code of Ordinances.

(h) Transactions conducted by a used auto part dealer licensed under Chapter 348 of the Minneapolis Code of Ordinances.

Section 2. That Section 321.80 of the above-entitled ordinance be amended to read as follows:

321.80. Application required. (a) *Contents.* Every applicant for a license defined in this article must submit a complete and accurate application on forms provided by the ~~department of licenses and consumer services~~ licensing official. All applicants, in addition to a general personal and criminal history, shall be required to submit adequate information to enable a fair determination of their eligibility to hold the license for which they are applying, including:

- (1) Whether the applicant holds a current secondhand dealer, precious metal dealer, antique dealer or pawnbroker license from this or any other governmental unit.
- (2) Whether the applicant has previously been denied, or had revoked or suspended, a secondhand dealer, precious metal dealer, antique dealer or pawnbroker license from this or any other governmental unit.
- (3) The location of the business premises.
- (4) The location at which the applicant's business records are maintained.
- (5) If the applicant does not own the business premises, a true and complete copy of the executed lease, and the legal description of the premises to be licensed.
- (6) Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts which are unpaid.

- (7) Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed.
- (8) The applicant's hours of operation, on-site management and parking facilities.
- (9) An executed data privacy advisory and consent form authorizing the release of criminal history information.
- (10) Such other information as the city council or issuing authority may require.

(b) *New manager.* When a dealer 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, on forms provided by the ~~department of licenses and consumer services~~ licensing official, within fourteen (14) days of the change. The application must include all appropriate information required in section 321.80

(c) *Application execution.* All applications for a license under this ordinance must be signed and sworn to under oath or affirmation by the applicant. If the application is that of a natural person, it must 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.

(d) *Investigation.* The police license inspector shall investigate into the truthfulness of the statements set forth in the application and shall endorse the findings thereon. The applicant shall furnish to the police license inspector such evidence as the inspector may reasonably require in support of the statements set forth in the application, or in answer to any questions raised by the investigation.

(e) *Public hearing.* The council member of the ward in which the proposed business would be located may request a public hearing at council, or in the evening hours at a location in the approximate vicinity of the proposed location.

(f) *Persons ineligible for a license.* No licenses under this ordinance will be issued to an applicant who is a natural person, a partnership if such applicant has any general partner or managing partner, a corporation or other organization if such applicant has any manager, proprietor or agent in charge of the business to be licensed, if the applicant:

- (1) Is a minor at the time that the application is filed;

- (2) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, section 364.03, subd. 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a dealer under this article as prescribed by Minnesota Statutes, section 364.03, subd. 3; or
- (3) Is not of good moral character or repute.

Section 3. That Section 321.90 of the above-entitled ordinance be amended to read as follows:

321.90. Bond required. Before a license will be issued for a secondhand dealer, every applicant must submit a five thousand dollar (\$5,000.00) bond on the forms provided by the ~~department of licenses and consumer services~~ licensing official. All bonds must be conditioned that the principal will observe all laws in relation to secondhand dealers, and will conduct business in conformity thereto, and that the principal will account for and deliver to any person legally entitled, any goods which have come into the principal's hand through the principal's business as a secondhand dealer, or in lieu thereof, will pay the reasonable value in money to the person. The bond shall contain a provision that no bond may be canceled except upon thirty (30) days written notice to the city, which shall be served upon the ~~department of licenses and consumer services~~ licensing official.

Section 4. That Section 321.100 of the above-entitled ordinance be amended to read as follows:

321.100. Records required. (a) *Exempt transactions.* The following items, when received by a dealer, are exempt from recording and reporting requirements in this article, regardless of the purchase price paid by the dealer, asking price if consigned or brokered, or value attributed to it if accepted in trade:

- (1) The receipt 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 secondhand dealer must maintain a record of all such transactions which describes each item, and must identify such items in a manner which relates them to that transaction record. Any identification code used by the dealer must be provided to the police license inspector or the inspector's designee(s) upon request.
- (2) The sale or receipt of used merchandise donated to recognized non-profit organizations and for which no compensation is paid.
- (3) The sale or receipt of secondhand household kitchen and laundry appliances.

- (4) The sale or receipt of secondhand furniture, excluding audio, video and other electronic devices.
- (5) The sale or receipt of secondhand cookware, glassware and eating utensils that do not contain precious metals.
- (6) The sale or receipt of secondhand clothing and shoes.
- (7) The sale or receipt of secondhand infant's, toddler's or children's clothing, appliances, furniture, or safety devices.

(b) *Recordable transactions.* Every dealer, at the time of receipt of any item which has a unique identifier, or is or contains precious metals or gems, regardless of the purchase price, asking price if consigned or brokered, or value attributed to it if accepted in trade, or any other item for which the dealer paid fifteen dollars (\$15.00) or more, by check or other consideration, or which the dealer intends to offer for sale, or broker, for thirty dollars (\$30.00) or more, and which is not exempted in section 321.100(a), shall immediately and legibly record, using the English language, in ink or other indelible medium in a book, on forms, or in a computerized record approved by the police license inspector, the following information:

- (1) A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
- (2) The purchase price, asking price if consigned, or value attributed to item if accepted in trade, for each item received.
- (3) Date and time the dealer received the item of property.
- (4) Full name, residence address, residence telephone number, date of birth, and accurate description of the person from whom the item of property was received, including: sex, height, weight, race, color of eyes and color of hair.
- (5) The identification number and state of issue from any of the following forms of identification presented by the seller:
 - a. Current valid Minnesota driver's license.
 - b. Current valid Minnesota identification card.
 - c. Current valid photo driver's license or photo identification card issued by another state or province of Canada.
- (6) The signature of the person identified in the transaction.

- (7) Class A dealers only. In addition to requirements of section 321.100(b)(1) through (6), effective sixty (60) days from the date of notification by the police license inspector of acceptable video standards, but no sooner than January 1, 1999, all class A dealers must take a color photograph or color video recording of:
- a. Each customer involved in a reportable transaction as defined in section 321.110(a).
 - b. Every item received which does not have a unique identifier, and which is, or contains, precious metal(s) or precious gem(s).
- (8) If a photograph is taken, it must be done in a format that will produce a picture at least two (2) inches in length by two (2) inches in width and must be maintained in such a manner that the photograph, if the film is developed, or frame, if the film is exposed but not developed, can be readily matched and correlated with all other records of the transaction to which it relates. Such photographs, or the undeveloped film containing them, 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 sold, consigned or traded the item. Items photographed must be accurately depicted.

If a video photograph is taken, the video camera must record the person selling, consigning or trading 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 dealer must inform the person that they are being photographed or videotaped by displaying a sign of sufficient size in a conspicuous place on the premises. The dealer must keep the photographs or exposed videotape or film for ninety (90) days.

- (9) Digitized photographs. Effective sixty (60) days from the date of notification by the police license inspector, but no sooner than July 1, 1999, Class A dealers must fulfill the color photograph requirements in section 321.100(b)(7) by submitting them as digital images, in a format specified by the issuing authority, and electronically cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not ~~alter~~ alter or amend the requirements in section 321.100(b)(7).

- (10) Inspection of records. The records must at all reasonable times be open to inspection by the police department or ~~department of licenses and consumer services~~ licensing official. Records of all transactions shall be retained for at least three (3) years from the date of transaction. Entries of digital images, when implemented, shall be retained a minimum of ninety (90) days.

Section 5. That Section 321.240 of the above-entitled ordinance be amended to read as follows:

321.240. Exceptions. The following transactions shall not require a license under this article:

(a) The sale of reportable goods at events commonly known as "garage sales," "yard sales" or "estate sales" where all of the following are present:

- (1) The sale is held on property occupied as a dwelling by the seller or owned, rented or leased by a charitable or political organization.
- (2) The occupant owns the items offered for sale and that none of the items offered for sale shall have been purchased for resale or received on consignment for purpose of resale.
- (3) The owner of the property conducts the sale and receives all proceeds from the sale.
- (4) That no sale exceeds a period of seventy-two (72) consecutive hours. That no more than two (2) sales are held in any twelve (12) month period at any residential dwelling.

(b) The sale or receipt of secondhand books, magazines, post cards, postage stamps, or philatelic material.

(c) Transactions conducted by a secondhand goods dealer pursuant to Article I of this chapter.

(d) Goods sold at an exhibition pursuant to Article III of this chapter.

(e) Goods sold at the public market pursuant to the provisions of Chapter ~~202~~ 201 of the Minneapolis Code of Ordinances.

(f) Transactions conducted by a precious metals dealer licensed under Chapter 322 of the Minneapolis Code of Ordinances, and for which a precious metal dealer's license is required.

(g) Transactions conducted by a pawnbroker licensed under Chapter 324 of the Minneapolis Code of Ordinances.

(h) Transactions conducted by a used auto part dealer licensed under Chapter 348 of the Minneapolis Code of Ordinances.

Section 6. That Section 321.290 of the above-entitled ordinance be amended to read as follows:

321.290. Application required. (a) *Contents.* Every applicant for a license defined in this article must submit a complete and accurate application on forms provided by the ~~department of licenses and consumer services~~ licensing official. All applicants, in addition to a general personal and criminal history, shall be required to submit adequate information to enable a fair determination of their eligibility to hold the license for which they are applying, including all of the following which are reasonably applicable:

- (1) Whether the applicant holds a current secondhand dealer, precious metal dealer, antique dealer or pawnbroker license from this or any other governmental unit.
- (2) Whether the applicant has previously been denied, or had revoked or suspended, a secondhand dealer, precious metal dealer, antique dealer or pawnbroker license from this or any other governmental unit.
- (3) The location of the business premises.
- (4) The location at which the applicant's business records are maintained.
- (5) If the applicant does not own the business premises, a true and complete copy of the executed lease, and the legal description of the premises to be licensed.
- (6) Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts which are unpaid.
- (7) Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed.
- (8) The applicant's business plan including, at a minimum, hours of operation, on-site management and parking facilities.

(9) An executed data privacy advisory and consent form authorizing the release of criminal history information.

(10) Such other information as the city council or issuing authority may require.

(b) *New manager.* When a dealer 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, on forms provided by the ~~department of licenses and consumer services~~ licensing official, within fourteen (14) days of the change. The application must include all appropriate information required in section 321.290

(c) *Application execution.* All applications for a license under this ordinance must be signed and sworn to under oath or affirmation by the applicant. If the application is that of a natural person, it must 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.

(d) *Investigation.* The police license inspector shall investigate into the truthfulness of the statements set forth in the application and shall endorse the findings thereon. The applicant shall furnish to the police license inspector such evidence as the inspector may reasonably require in support of the statements set forth in the application, or in answer to any questions raised by the investigation.

(e) *Public hearing.* The council member of the ward in which the proposed business would be located may request a public hearing at council, or in the evening hours at a location in the approximate vicinity of the proposed location.

(f) *Persons ineligible for a license.* No licenses under this ordinance will be issued to an applicant who is a natural person, a partnership if such applicant has any general partner or managing partner, a corporation or other organization if such applicant has any manager, proprietor or agent in charge of the business to be licensed, if the applicant:

(1) Is a minor at the time that the application is filed;

(2) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, section 364.03, subd. 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a dealer under this article as prescribed by Minnesota Statutes, section 364.03, subd. 3; or

(3) Is not of good moral character or repute.

Section 7. That Section 321.300 of the above-entitled ordinance be amended to read as follows:

321.300. Bond required. (a) *Antique dealers.* Before a license will be issued for an antique dealer, every applicant must submit a five thousand dollar (\$5,000.00) bond on the forms provided by the ~~department of licenses and consumer services~~ licensing official. All bonds must be conditioned that the principal will observe all laws in relation to dealers, and will conduct business in conformity thereto, and that the principal will account for and deliver to any person legally entitled, any goods which have come into the principal's hand through the principal's business as a dealer, or in lieu thereof, will pay the reasonable value in money to the person. The bond shall contain a provision that no bond may be canceled except upon thirty (30) days written notice to the city, which shall be served upon the ~~department of licenses and consumer services~~ licensing official.

(b) *Antique mall operators.* Before a license will be issued for an antique mall operator, every applicant must submit a ten thousand dollar (\$10,000.00) antique mall operator bond on forms provided by the ~~department of licenses and consumer services~~ licensing official. All antique mall operator bonds must be conditioned that the operator, and all mall antique dealers licensed to conduct business at the operator's location, will observe all laws in relation to dealers, will conduct business in conformity thereto, and that the operator will account for and deliver to any person legally entitled, any goods which have come into the hands of the operator, or the hands of any of its antique mall dealers, through their business as a dealer, or in lieu thereof, will pay the reasonable value in money to the person. The bond shall contain a provision that no bond may be canceled except upon thirty (30) days written notice to the city, which shall be served upon the ~~department of licenses and consumer services~~ licensing official.

(c) *Antique mall dealers.* Before a license will be issued for an antique mall dealer, the ~~department of licenses and consumer services~~ licensing official must have in its possession a valid antique mall operator bond issued to the licensed antique mall operator at the location for which the applicant is applying.

Section 8. That Section 321.310 of the above-entitled ordinance be amended to read as follows:

321.310. Records required. (a) *Exempt transactions.* The following item(s), when received by a dealer, are exempt from recording and reporting requirements in this article, regardless of the purchase price paid by the dealer, asking price if consigned or brokered, or value attributed to it if accepted in trade:

- (1) The receipt 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 secondhand dealer must maintain a record of all such transactions which describes each item, and must identify such items in a manner which relates them to that

transaction record. Any identification code used by the dealer must be provided to the police license inspector or the inspector's designee(s) upon request.

- (2) The sale or receipt of used merchandise donated to recognized non-profit organizations and for which no compensation is paid.
- (3) The sale or receipt of secondhand clothing and shoes.

(b) *Recordable transactions.* Every dealer, at the time of receipt of any item which the dealer was required to pay for by check, and which has a unique identifier, or is or contains precious metals or gems, regardless of the purchase price, asking price if consigned or brokered, or value attributed to it if accepted in trade, or any other item for which the dealer paid fifteen dollars (\$15.00) or more, by check or other consideration, or which the dealer intends to offer for sale, or broker, for thirty dollars (\$30.00) or more, and which is not exempted in section 321.310(a), shall immediately and legibly record, using the English language, in ink or other indelible medium in a book, on forms, or in a computerized record approved by the police license inspector, the following information:

- (1) A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
- (2) The purchase price, asking price if consigned, or value attributed to item if accepted in trade, for each item received.
- (3) Date and time the dealer received the item.
- (4) Full name, residence address, residence telephone number, date of birth, and accurate description of the person from whom the item of property was received, including: sex, height, weight, race, color of eyes and color of hair.
- (5) The identification number and state of issue from any of the following forms of identification presented by the seller:
 - a. Current valid Minnesota driver's license.
 - b. Current valid Minnesota identification card.
 - c. Current valid photo driver's license or photo identification card issued by another state or province of Canada.
- (6) The signature of the person identified in the transaction.

(7) Class A dealers only. In addition to requirements of section 321.310(b)(1) through (6), effective sixty (60) days from the date of notification by the police license inspector of acceptable video standards, but no soon than January 1, 1999, all class A dealers must take a color photograph or color video recording of:

- a. Each customer involved in a reportable transaction as defined in section 321.320(a).
- b. Every item received that does not have a unique identifier, and which is, or contains, precious metal(s), precious gem(s) or precious stone(s).

(8) If a photograph is taken, it must be done in a format that will produce a picture at least two (2) inches in length by two (2) inches in width and must be maintained in such a manner that the photograph, if the film is developed, or frame, if the film is exposed but not developed, can be readily matched and correlated with all other records of the transaction to which it relates. Such photographs, or the undeveloped film containing them, 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 sold, consigned or traded the item. Items photographed must be accurately depicted.

If a video photograph is taken, the video camera record the person selling, consigning or trading 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 dealer must inform the person that they are being photographed or videotaped by displaying a sign of sufficient size in a conspicuous place on the premises. The dealer must keep the photographs or exposed videotape or film for ninety (90) days.

(9) Digitized photographs. Effective sixty (60) days from the date of notification by the police license inspector, but not sooner than July 1, 1999, Class A dealers must fulfill the color photograph requirements in section 321.310(b)(7) by submitting them as digital images, in a format specified by the issuing authority, and electronically cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not ~~alter~~ alter or amend the requirements in section 321.310(b)(7).

- (10) Inspection of records. The records must at all reasonable times be open to inspection by the police department or ~~department of licenses and consumer services~~ licensing official. Records of all transactions shall be retained for at least three (3) years from the date of transaction. Entries of required digital images, when implemented, shall be retained a minimum of ninety (90) days.

Section 9. That Section 321.450 of the above-entitled ordinance be amended to read as follows:

321.450. Exceptions. The following transactions shall not require a permit under this article:

(a) The sale or receipt of used merchandise donated to recognized non-profit organizations and for which no compensation is paid.

(b) The sale of secondhand books, magazines or postage stamps.

(c) Goods sold at the public market and farmer's markets pursuant to the provisions of Chapter ~~202~~ 201 of the Minneapolis Code of Ordinances.

(d) The sale used motor vehicles by licensed dealers.

(e) The sale of numismatic related articles, including but not limited to, coins, currency, tokens, medals and other such related collectibles if the temporary market exhibition operator is a nationally recognized non-profit numismatic society or association and the temporary market or exhibition is held at the Minneapolis Convention Center.

(f) An exclusive sale of arts and crafts where a commercial block event permit or park board permit has been issued for the event, and no second hand goods are displayed for sale.

Section 10. That Section 321.480 of the above-entitled ordinance be amended to read as follows:

321.480. Application required. (a) *Contents.* Every applicant for a license defined in this article must submit a complete and accurate application on forms provided by the ~~department of licenses and consumer services~~ licensing official. All applicants, in addition to a general personal and penal history, shall be required to submit adequate information to enable a fair determination of their eligibility to hold the permit for which they are applying, including:

- (1) For temporary market or exhibition operator license applicants, the location, dates and times of the proposed temporary market exhibition.

- (2) Whether the applicant holds a current secondhand dealer, precious metal dealer, antique dealer or pawnbroker license from this or any other governmental unit.
- (3) Whether the applicant has previously been denied, or had revoked or suspended, a secondhand dealer, precious metal dealer, antique dealer, pawnbroker license, temporary market or exhibition license or permit from this or any other governmental unit.
- (4) The location at which the applicant's business records are maintained.
- (5) An executed data privacy advisory and consent form authorizing the release of criminal history information.
- (6) Provide a scaled and dimensioned site plan of the property indicating the entire market layout including onsite placement of booths, tables, loading and unloading zones, trash receptacles, sanitary toilets, parking areas for vendors and market attendees (on or off-site), signage including location, type, dimension, and other relevant information.
- (7) Such other application information as the city council or issuing authority may require.

(b) *Application execution.* All applications for a license under this ordinance must be signed by the applicant. If the application is that of a natural person, it must be signed by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one (1) of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

(c) *Investigation.* The police license inspector shall investigate into the truthfulness of the statements set forth in the application and shall endorse the findings thereon. The applicant must furnish to the police license inspector such evidence as the inspector may reasonably require in support of the statements set forth in the application, or in answer to any questions raised by the investigation.

Section 11. That Section 321.495 of the above-entitled ordinance be amended to read as follows:

321.495. Requirements. The temporary market exhibition operator shall:

- (1) Comply with the physical site plan submitted with the license application as approved by the City of Minneapolis.
- (2) Meet all requirements concerning the placement of temporary structures, and comply with all building, electrical, mechanical and fire code laws and ordinances.

- (3) Operate on an improved surface free of dust, mud, standing water and is capable of supporting a wheel load of four thousand (4,000) pounds.
- (4) Provide adequate and sufficient solid waste and recycling receptacles at all points of egress, and additionally as needed, and shall further provide portable sanitary toilets in a number and type as determined by the Minneapolis ~~Environmental Health Division~~ Department in accordance with the Portable Sanitation Association guidelines.
- (5) Limit food vendors and agricultural products to less than twenty-five (25) percent of all vendors, up to a maximum of ten (10) food vendors, at the temporary market or exhibition.
- (6) The use shall comply with all applicable requirements of Title 20, Zoning Code, of the Minneapolis Code of Ordinances.
- (7) Obtain an amplified sound permit if noise above ambient sound levels are anticipated.
- (8) Refrain from operating beyond the maximum hours of operation of 6:00 a.m. to 10:00 p.m. unless an extended hours license has been obtained.
- (9) Maintain a lease with all temporary market or exhibition vendors outlining all regulations under this chapter. Leases shall be maintained for a period of one (1) year and made available upon request to the ~~director of licenses and consumer services~~ licensing official, the chief of police, or their designee.
- (10) Maintain a minimum of ten (10) temporary market exhibitors under lease to qualify for a license.
- (11) Remove trash, litter and debris from the event site within four (4) hours of close of the event.
- (12) Equipment storage. Equipment used at an exhibition or temporary market including tables, tents, signs, merchandise, solid waste containers, or other non-permanent fixtures may only be stored in an enclosed building when sales are not occurring.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 322 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Precious Metal Dealers.

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

Section 1. That Section 322.30 of the above-entitled ordinance be amended to read as follows:

322.30. Application. (a) [*Contents.*] Every person or organization desiring a license to deal in precious metals shall apply to the city council for a license on an application form provided by the ~~department of licenses and consumer services~~ licensing official. The application shall contain all information required by the ~~department of licenses and consumer services~~ licensing official, including:

- (1) Name, place and date of birth and street residence of the applicant.
- (2) The business address and the name and address of the owner of the premises.
- (3) A statement whether, within the preceding ten (10) years the applicant has been convicted of any crime, petty misdemeanor or municipal ordinance relating to theft, damage or trespass to property or operation of a business; the nature and date of the offense and the penalty assessed.
- (4) Whether the applicant is a natural person, corporation or partnership:
 - a. If the applicant is a corporation, the state of incorporation and the names and addresses of all officers and directors;
 - b. If applicant is a partnership, the names and addresses of all partners.

(5) The name of the manager or proprietor of the business.

(b) *Execution of application.* If the applicant is a natural person, the application shall be signed and sworn to by the person; if a corporation, by an agent authorized to sign; if a partnership, by a partner.

(c) [*Investigation.*] The police license inspector shall investigate into the truthfulness of the statements set forth in the application and shall endorse findings thereon. The applicant shall furnish to the police license inspector such evidence as he or she may reasonably require in support of the statement set forth in the application.

(d) *False statements in application.* No person shall make any material false statement in any application. In addition to other penalties, the licensee's license may be revoked by the city council for a violation of this section.

Section 2. That Section 322.40 of the above-entitled ordinance be amended to read as follows:

322.40. Bond required. Before a license will be issued the applicant shall submit a five-thousand-dollar (\$5,000.00) bond on forms provided by the ~~department of licenses and consumer services~~ licensing official. All bonds shall be conditioned that the principal named will observe all laws in relation to dealers in precious metals, and will conduct business in conformity thereto, and that the principal will account for and deliver to any person legally entitled any goods which may have come into the principal's hand through the principal's business as a dealer in precious metal items, or in lieu thereof, will pay the reasonable value in money to the person.

Section 3. That Section 322.80 of the above-entitled ordinance be amended to read as follows:

322.80. Records required. Every precious metal dealer shall, at the time of purchase or consignment of a good, immediately record in ink in a book the following information:

- (1) A complete description of the item.
- (2) Purchase or consignment price.
- (3) Time and date of receipt.
- (4) Name, residence address, and driver's license number (or equivalent identification where a driver's license is not available) of the person selling or consigning the good.

The book as well as the goods purchased or consigned shall at all reasonable times be open to inspection of the police department or ~~department of licenses and consumer services~~ licensing official. Entries in the book shall be retained for at least three (3) years.

Section 4. That Section 322.100 of the above-entitled ordinance be amended to read as follows:

322.100. Photographs required. Every licensee shall maintain photographic equipment at its place of business capable of taking high quality color photographs of both the individual selling or consigning items and the items sold or consigned. The photographic equipment maintained shall be of a type and quality approved by the ~~director of the department of licenses and consumer services~~ licensing official. When a licensee, or an agent or employee thereof, receives any precious metal item except coins, he or she shall photograph the individual selling or consigning such item and each item received. The photographs required by this section shall be maintained along with the other records required by this chapter in such a manner that they can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs shall be available to the police department upon request.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 324 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Pawnbrokers.

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

Section 1. That Section 324.50 of the above-entitled ordinance be amended to read as follows:

324.50. License fees. (a) The annual license fees for licenses issued under this chapter shall be as established in Appendix J, License Fee Schedule.

The annual license fee shall be payable semi-annually in accordance with procedures established by the ~~director of licenses and consumer services~~ licensing official.

(b) The billable transaction fee shall reflect the cost of processing transactions and other related regulatory expenses as determined by the city council, and shall be reviewed and adjusted, if necessary, at least every six (6) months. Licensees shall be notified in writing thirty (30) days before any adjustment is implemented.

(c) Billable transaction fees shall be billed monthly and are due and payable within thirty (30) days. Failure to do so is a violation of this chapter.

Section 2. That Section 324.80 of the above-entitled ordinance be amended to read as follows:

324.80. Application required. (a) (*Contents.*) An application form provided by the ~~department of licenses and consumer services~~ licensing official must be completed by every applicant for a new license or for renewal of an existing license. Every new applicant must provide all the following information:

(1) If the applicant is a natural person:

- a. The name, place and date of birth, street resident address, and phone number of applicant.

- b. Whether the applicant is a citizen of the United States or resident alien.
 - c. Whether the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places used.
 - d. The name of the business if it is to be conducted under a designation, name, or style other than the name of the applicant and a certified copy of the certificate as required by Minnesota Statutes, Section 333.01.
 - e. The street address at which the applicant has lived during the preceding five (5) years.
 - f. The type, name and location of every business or occupation in which the applicant has been engaged during the preceding five (5) years and the name(s) and address(es) of the applicant's employer(s) and partner(s), if any, for the preceding five (5) years.
 - g. Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a traffic ordinance. If so, the applicant must furnish information as to the time, place, and offense of all such convictions.
 - h. The physical description of the applicant.
 - i. Applicant's current personal financial statement and true copies of the applicant's federal and state tax returns for the two (2) years prior to application.
 - j. If the applicant does not manage the business, the name of the manager(s) or other person(s) in charge of the business and all information concerning each of them required in a. through h. of subdivision (1) of this section.
- (2) If the applicant is a partnership:
- a. The name(s) and address(es) of all general and limited partners and all information concerning each general partner required in subdivision (1) of this section.
 - b. The name(s) of the managing partner(s) and the interest of each partner in the licensed business.

- c. A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to Minnesota Statutes, Section 333.01, a certified copy of such certificate must be attached to the application.
- d. A true copy of the federal and state tax returns for partnership for the two (2) years prior to application.
- e. If the applicant does not manage the business, the name of the manager(s) or other person(s) in charge of the business and all information concerning each of them required in a. through h. of subdivision (1) of this section.

(3) If the applicant is a corporation or other organization:

- a. The name of the corporation or business form, and if incorporated, the state of incorporation.
- b. A true copy of the Certificate of Incorporation, Articles of Incorporation or Association Agreement, and By-laws shall be attached to the application. If the applicant is a foreign corporation, a Certificate of Authority as required by Minnesota Statutes, Section 303.06, must be attached.
- c. The name of the manager(s) or other person(s) in charge of the business and all information concerning each manager, proprietor, or agent required in a. through h. of subdivision (1) of this section.
- d. A list of all persons who control or own an interest in excess of five (5) percent in such organization or business form or who are officers of the corporation or business form and all information concerning said persons required in sub (1) above. This subdivision (d), however, shall not apply to a corporation whose stock is publicly traded on a stock exchange and is applying for a license to be owned and operated by it.

(4) For all applicants:

- a. Whether the applicant holds a current pawnbroker, precious metal dealer or secondhand goods dealer license from any other governmental unit.
- b. Whether the applicant has previously been denied, or had revoked or suspended, a pawnbroker, precious metal dealer, or secondhand dealer license from any other governmental unit.
- c. The location of the business premises.

- d. If the applicant does not own the business premises, a true and complete copy of the executed lease.
- e. The legal description of the premises to be licensed.
- f. Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts that are unpaid.
- g. Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed.
- h. Such other information as the city council or issuing authority may require.

(b) *New manager.* When a licensee places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the licensee must complete and submit the appropriate application, on forms provided by the ~~department of licenses and consumer services~~ licensing official, within fourteen (14) days. The application must include all appropriate information required in section 324.80

- (1) Upon completion of an investigation of a new manager, the licensee must pay an amount equal to the cost of the investigation to assure compliance with this chapter. If the investigation process is conducted solely within the State of Minnesota, the fee shall be five hundred dollars (\$500.00). If the investigation is conducted outside the State of Minnesota, the issuing authority may recover the actual investigation costs not exceeding ten thousand dollars (\$10,000.00).

(c) *Application execution.* All applications for a license under this chapter must be signed and sworn to under oath or affirmation by the applicant. If the application is that of a natural person, it must 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.

(d) *Investigation.* The police license inspector must investigate into the truthfulness of the statements set forth in the application and shall endorse the findings thereon. The applicant must furnish to the police license inspector such evidence as the inspector may reasonably require in support of the statements set forth in the application.

(e) *Public hearing.* The council member of the ward in which the proposed business would be located may request a public hearing at council, or in the evening hours at a location in the approximate vicinity of the proposed location.

(f) *Persons ineligible for a license.* No licenses under this chapter will be issued to an applicant who is a natural person, a partnership if such applicant has any general partner or managing partner, a corporation or other organization if such applicant has any manager, proprietor or agent in charge of the business to be licensed, if the applicant:

- (1) Is a minor at the time that the application is filed;
- (2) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, Section 364.03, Subd. 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a licensee under this chapter as prescribed by Minnesota Statutes, Section 364.03, Subd. 3; or
- (3) Is not of good moral character or repute.

Section 3. That Section 324.90 of the above-entitled ordinance be amended to read as follows:

324.90. Bond required. Before a license will be issued, every applicant must submit a five thousand dollar (\$5,000.00) bond on the forms provided by the ~~department of licenses and consumer services~~ licensing official. All bonds must be conditioned that the principal will observe all laws in relation to pawnbrokers, and will conduct business in conformity thereto, and that the principal will account for and deliver to any person legally entitled any goods which have come into the principal's hand through the principal's business as a pawnbroker, or in lieu thereof, will pay the reasonable value in money to the person. The bond shall contain a provision that no bond may be canceled except upon thirty (30) days' written notice to the city, which shall be served upon the ~~department of licenses and consumer services~~ licensing official.

Section 4. That Section 324.100 of the above-entitled ordinance be amended to read as follows:

324.100. Records required. At the time of any reportable transaction other than renewals, extensions or redemptions, every licensee must immediately record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the police license inspector:

- (1) A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

- (2) The purchase price, amount of money loaned upon, or pledged therefor.
- (3) The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.
- (4) Date, time and place 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.
- (5) Full name, residence address, residence telephone number, date of birth and accurate description of the person from whom the item of property was received, including: sex, height, weight, race, color of eyes and color of hair.
- (6) The identification number and state of issue from any of the following forms of identification of the seller:
 - a. Current valid Minnesota driver's license.
 - b. Current valid Minnesota identification card.
 - c. Current valid photo driver's license or identification card issued by another state or province of Canada.
- (7) The signature of the person identified in the transaction.
- (8) Effective sixty (60) days from the date of notification by the police license inspector of acceptable video standards, 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.

If a photograph is taken, it must be at least two (2) inches in length by two (2) inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which 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 three (3) months.

- (9) *Digitized photographs.* Effective sixty (60) days from the date of notification by the police license inspector, licensees must fulfill the color photograph requirements in section 324.100(8) 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. Notwithstanding the digital images may be captured from required video recordings, this provision does not ~~alter~~ alter or amend the requirements in subdivision (8).
- (10) *Renewals, extensions and redemptions.* For renewals, extensions and redemptions, the licensee shall provide the original transaction identifier, the date of the current transaction, and the type of transaction.
- (11) *Inspection of records.* The records must at all reasonable times be open to inspection by the police department or ~~department of licenses and consumer services~~ licensing official. Data entries shall be retained for at least three (3) years from the date of transaction. Entries of required digital images shall be retained a minimum of ninety (90) days.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

**Amending Title 13, Chapter 325 of the Minneapolis Code of Ordinances
relating to Licenses and Business Regulations: Pest Control.**

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

Section 1. That Section 325.30 of the above-entitled ordinance be amended to read as follows:

325.30. Licenses and fees. (a) No person, either as owner or operator, shall engage in the business of fumigation, general pest control or area pest control without first having obtained a license from the city council. Such license shall be known as a Minneapolis pest control license and shall state the classification or classifications for which it is issued. The annual fee for such license shall be one hundred twenty-five dollars (\$125.00). Such license shall be renewed on or before January first of each year. When a pest control company also carries a fumigation license under Chapter 51 of this Code of Ordinances, then the annual fee for the combination of a fumigator's license and a pest control license shall be one hundred twenty-five dollars (\$125.00).

(b) In order to obtain and retain such a license, there shall be at least one person, either as owner or operator or an employee, who holds a master pest control license. The technical aspects of selection and application of all poisons used by such pest control company shall be the direct responsibility of such holder of a master license. Every person seeking a master or journeyman license shall file with the ~~department of licenses and consumer services~~ licensing official, on forms furnished by ~~it~~ the licensing official, a request for such a license. The applicant for a master license shall pay an initial fee of thirty dollars (\$30.00) and an annual renewal fee of ten dollars (\$10.00) thereafter. The applicant for a journeyman license shall pay an initial inspection fee of thirty dollars (\$30.00) and an annual renewal fee of eight dollars (\$8.00) thereafter.

(c) Every applicant for either a master or journeyman license must take and pass an oral or written examination before a license will be issued.

(d) Pest control companies or pest control employees desiring to engage in or work in the pest control business within the city must submit to such examination as hereinafter described in section 325.70.

(e) A license may be issued by the city council to a pest control company for one or both or any combination of the following classifications for which an applicant may apply:

(1) General pest control.

(2) Area pest control.

(f) The master license pest control number shall be displayed in a prominent position on all pest control company vehicles doing business in the city. The master journeyman pest control license identification card shall be shown on demand to health department representatives, police or other law enforcement officers of the city.

(g) In case of revocation of a license for any cause the commissioner may require such licensee to pass an examination as a condition to reinstatement of such license.

(h) Each licensee shall be issued an identification card on which shall appear the licensee's photograph and signature. A license shall not be transferable.

(i) It shall be unlawful for any pest control company to employ or retain as an employee, any person to do pest control work who is not properly licensed or under proper temporary apprentice permit issued by the commissioner of health. Any new employee may work as an apprentice on a temporary apprentice permit issued by the commissioner of health without taking an examination, provided he or she is working for a licensed pest control company and working at all times with and under the direct supervision of a person possessing a master or journeyman pest control license. A person possessing a temporary permit cannot take the examination for a master or journeyman license until he or she has worked at least three (3) months as a temporary pest control employee. However such employee must take such examination within one year after the issuance of a temporary permit.

(j) Identification cards and such other procedural matters as may be necessary shall be established by the commissioner of health.

(k) A refresher program of not more than a one-day session shall be sponsored or conducted twice each year by the health department. This program shall place special emphasis on proper handling and safe use of materials used in the pest control industry. Every owner, member or partner of a pest control company and every pest control employee actually engaged in or performing pest control services shall attend at least one refresher program annually as a condition for the issuance of licenses established under this chapter. Failure to attend such refresher program may be grounds for revocation of the license.

Section 2. That Section 325.60 of the above-entitled ordinance be amended to read as follows:

325.60. Insurance required. (a) A pest control company shall not engage in the practice or business of pest control until such company shall furnish and file with the ~~department of licenses and consumer services~~ licensing official a policy of insurance or a certificate thereof in an insurance company authorized to do business in the State of Minnesota, insuring such pest control company against any and all loss by reason of negligence in the use of pesticides; such policy of insurance to be in limits of one hundred thousand dollars (\$100,000.00) for any one person injured or killed in one accident, and two hundred thousand dollars (\$200,000.00) for any one accident or two (2) or more persons injured or killed in one accident, irrespective of the number of persons killed, and in the sum of at least ten thousand dollars (\$10,000.00) because of damage to or destruction of property in any one accident, which policy of insurance shall be approved by the city attorney. No cancellation of any insurance policy shall be valid except upon ten (10) days prior notice to the city. Failure to keep in full force and effect insurance required herein is grounds for revocation of any license or permit. Such license holder shall replace such policy of insurance with another to be approved by the city attorney. Whenever the city council shall deem such policy of insurance to be insufficient for any reason, and in default thereof the city council may revoke such license.

(b) Any pest control company that is licensed under Chapter 51 of this Code of Ordinances, and also under this chapter, need furnish but one policy of insurance. The city attorney shall prepare a proper endorsement which shall be attached.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 327 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Rental Automobile Odometer Inspection.

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

Section 1. That Section 327.20 of the above-entitled ordinance be amended to read as follows:

327.20. Complaint and inspection. Upon complaint of a defective odometer to the ~~department of licenses and consumer services~~ licensing official, made not later than thirty (30) days after termination of the lease of a rental automobile the owner of that automobile shall make such automobile available to the ~~department of licenses and consumer services~~, licensing official ~~which shall~~ to examine and test the odometer to determine whether it is defective. The automobile shall be made available at a reasonable time and place for the purpose of such examination.

Section 2. That Section 327.30 of the above-entitled ordinance be amended to read as follows:

327.30. Renting after defect discovered. If the ~~department of licenses and consumer services~~ licensing official finds that a rental automobile contains a defective odometer, no person shall thereafter rent or lease that automobile as a rental automobile unless (a) the defective odometer is repaired or replaced and (b) the ~~department of licenses and consumer services~~ licensing official, upon further examination and testing, determines that the automobile no longer contains a defective odometer.

2013-Or-____

AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

By: Lilligren

**Amending Title 13, Chapter 331 of the Minneapolis Code of Ordinances
relating to Licenses and Business Regulations: Sidewalk Flower Cart Vendors**

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

Section 1. That Section 331.60 of the above-entitled ordinance be amended to read as follows:

331.60. License application. Each applicant shall file an application with the ~~department of licenses and consumer services~~ licensing official on forms provided by the ~~department~~ licensing official. The ~~director of licenses and consumer services~~ licensing official may require such information on the application as he/she considers reasonable and necessary to verify that the applicant meets all of the requirements of this chapter. No application shall be accepted unless the applicant files therewith plans and specifications for the cart, drawn to scale, meeting the design and size specifications in section 331.100

One application shall be filed by each single applicant regardless of how many sidewalk flower cart licenses the applicant wishes to obtain. The application shall contain a space in which the applicant shall indicate the number of sidewalk flower cart locations sought.

Section 2. That Section 331.70 of the above-entitled ordinance be amended to read as follows:

331.70. [Filing of application; allocation process.] (a) *Application deadline.* The deadline for filing applications for new licenses and renewal of existing licenses shall be 4:30 p.m. on March first of each year, or if March first is not a business day, then 4:30 p.m. on the next business day after March first. After the filing deadline, the ~~department~~ licensing official shall accept no more applications for new licenses or renewal of existing licenses until the allocation process has been completed. If the allocation process has been completed, and additional locations remain unused, the ~~department~~ licensing official shall reopen the application period, set a new application deadline, accept additional applications, and allocate the remaining locations in the same manner as prescribed below.

(b) *Allocation of sidewalk flower cart locations.* The ~~department~~ licensing official shall rank all of the approved locations for sidewalk flower carts by desirability. Licenses for the approved locations shall be chosen by lot. The drawing shall be held ~~in~~ by the ~~department~~ licensing official during regular business hours. All applicants shall be notified and invited to attend. A licensee shall be chosen by lot for each approved location, beginning with the most desirable location and ending with the least desirable location. Once a single applicant has been chosen for a location, that applicant shall not be considered for a subsequent location until each single applicant has been chosen for one location.

(c) No preference shall be given to renewal applicants in the allocation of approved locations for each new license year.

Section 3. That Section 331.80 of the above-entitled ordinance be amended to read as follows:

331.80. List of approved locations. The director of public works shall refer the subject of sidewalk flower carts on the Nicollet Mall to the advisory board provided for in Minnesota Statutes, Section 430.101, subdivision 3. The advisory board shall report its recommendations concerning the number and location of sidewalk cart sites on the Nicollet Mall to the director of public works. The director of public works shall review the board's report and establish a list of approved locations on the Nicollet Mall. The list shall be made available ~~in~~ by the ~~department of licenses and consumer services~~ licensing official to any applicant or interested person. The list of approved locations may be amended from time to time in the manner prescribed by this section.

Section 4. That Section 331.90 of the above-entitled ordinance be amended to read as follows:

331.90. License restrictions. (a) A license issued under this chapter shall only allow the sale of flowers from sidewalk pushcarts at approved locations on the Nicollet Mall.

(b) Each flower cart shall be separately licensed and shall be authorized to operate only at the location designated on the license. However, in the event a licensee holds licenses for more than one location, the licensee may place any of his/her licensed carts at any location for which he/she holds a license. No licensee may trade carts or locations with another licensee; however, should a licensee apply for and be granted a different location for a cart during the licensing year and chooses to surrender the original location for that cart, the fee for such midseason cart location transfer shall be as established in Appendix J, License Fee Schedule.

(c) A license issued under this chapter shall allow only the sale of cut flowers.

(d) A sidewalk flower cart license shall not be transferable from person to person nor from place to place without approval of the ~~director of licenses and consumer services~~ licensing official.

(e) There shall be issued to each licensee a suitable decal for each licensed flower cart. Every flower cart licensed under this chapter shall at all times have the decal permanently and prominently fastened on the pushcart.

(f) Affixed permanently and prominently to each sidewalk flower cart shall be a sign no smaller than twelve (12) inches by twelve (12) inches displaying the name, address and telephone number of the licensee.

(g) Each licensee shall provide proof of liability insurance in the amount of one hundred thousand dollars (\$100,000.00) for individuals, three hundred thousand dollars (\$300,000.00) for any single incident and ten thousand dollars (\$10,000.00) for property damage. A certificate of insurance shall be delivered to the ~~director of licenses and consumer services~~ licensing official prior to issuance of a license. The city shall be named an additional insured.

(h) No sidewalk flower cart operator shall use lights or noisemakers, such as bells, horns or whistles, to attract customers. A sidewalk flower cart operator may use battery-operated lights with protective shielding for the purpose of illuminating merchandise.

(i) No sidewalk flower cart shall operate before 7:00 a.m. nor after 11:00 p.m. on any day.

(j) No sidewalk flower cart shall operate, park, stand or stop in any street or alley except to cross at designated street crossings.

(k) Each sidewalk flower cart shall be equipped with a suitable waste container. When leaving the sales area the licensee or his/her employees shall pick up all litter resulting from the business and shall deposit such litter in the waste container located on his/her cart.

Section 5. That Section 331.100 of the above-entitled ordinance be amended to read as follows:

331.100. Design and size specifications. (a) Every sidewalk flower cart shall be neat and tasteful in appearance, constructed with finished materials, and shall be kept clean and well maintained at all times.

(b) No sidewalk flower cart shall have dimensions exceeding three (3) feet in width, six (6) feet in length and six (6) feet in height. However, a cart may be equipped with an awning which overhangs by not more than twelve (12) inches in any direction. Each sidewalk flower cart shall be capable of being moved and kept under control by

one (1) person traveling on foot. The ~~director of licenses and consumer services~~ licensing official may grant a special license to a handicapped person to operate a sidewalk flower cart propelled by electric motor, provided that the applicant shall meet all other conditions for a license.

Section 6. That Section 331.110 of the above-entitled ordinance be amended to read as follows:

331.110. Forfeiture of license. Any sidewalk flower cart operator who shall fail to operate at any licensed location thirty (30) consecutive days between May first and October first shall forfeit that location. The ~~department of licenses and consumer services~~ licensing official shall notify all licensees of the forfeiture of said location and shall set a date for a lottery, if necessary, to choose among multiple applicants.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 332 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Solicitors, Peddlers, and Transient Merchants.

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

Section 1. That Section 332.50 of the above-entitled ordinance be amended to read as follows:

332.50. Adverse license action. (a) *Generally.* Any license issued under this section may be suspended or revoked, or otherwise subject to adverse license action, at the discretion of the city council for violation of any of the following:

- (1) Subsequent knowledge by the city of fraud, misrepresentation or incorrect statements provided by an applicant on the application form.
- (2) Fraud, misrepresentation or false statements made during the course of the licensed activity.
- (3) Subsequent conviction of any offense to which the granting of the license could have been denied under this chapter.
- (4) Engaging in any activity prohibited under this chapter.
- (5) Violation of any other provision of this chapter.
- (6) Violation of any law relating to zoning, health, fire, building or safety requirements, or any other federal law or statutory or ordinance provision.
- (7) Failure to comply with any valid orders issued by the ~~Minneapolis Department of Licenses and Consumer Services~~ licensing official or any other department or division of the city.
- (8) For other good cause shown which renders the licensee unfit to hold a peddler or transient merchant license.

(b) *Emergency.* If, in the discretion of the city council, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant licensed under this chapter, the city council may immediately suspend the person's license and provide notice of the right, in the council's discretion, to a subsequent and expedited hearing in front of a committee of the city council, an administrative law judge or a hearing officer retained by the city. Any decision made by an administrative law judge or hearing officer shall be in the form of a report and recommendation subject to modification and approval by the city council.

Section 2. That Section 332.70 of the above-entitled ordinance be amended to read as follows:

332.70. Registration and identification of solicitors. (a) All solicitors and any person exempt from the licensing requirements of this ordinance under section 332.30 shall be required to register with the city prior to engaging in those activities. Registration shall be made on the same form required for a license application, but no fee shall be required. Immediately upon completion of the registration form, the director of regulatory services or the director's designee shall issue to the registrant a certificate of registration and identification card as proof of the registration. Certificates of registration and identification cards shall be non-transferrable.

(b) Upon the issuance of a solicitor's registration or a peddler's or transient merchant's license, the ~~department of licenses and consumer services~~ licensing official shall issue to each individual employee, agent, or representative registered for direct solicitation, peddling or operation as a transient merchant, an identification card. Such card shall contain a photograph of such employee, agent, or representative, name, address, the name of the supplier for whom he or she is an employee, agent, or representative, and the trade or brand names of its goods or services being sold or promoted. On the identification card shall be printed the word "solicitor", "peddler", or "transient merchant", as applicable, the time period for which it is issued, and the number of the identification card which shall be registered with the ~~department of licenses and consumer services~~ licensing official. Every solicitor, peddler, or transient merchant registered or licensed hereunder shall carry and display his or her identification card at all times while engaged in solicitation, peddling or operation as a transient merchant, upon a lanyard or in a manner such that the photograph and information is readily, continuously and clearly visible and unobstructed.

(c) Individuals engaging in non-commercial door-to-door advocacy shall not be required to register or obtain an identification card.

(d) Notwithstanding any provision of this section or chapter, any person, age seventeen (17) and under, participating as a peddler or solicitor in fundraising programs for, or sponsored by, a public or private elementary, junior high, high school, or bona fide children's organization including, without limitation, Boy Scouts, Girl Scouts, or youth sports, arts or similar extracurricular activities, shall register with the city as part of

said group prior to engaging in those activities. No fee shall be required. The ~~department of licenses and consumer services~~ licensing official shall accept registration of the group as a single entity and such registration shall be made by the school principal, scout troop leader or other similar adult with authority over the conduct and operations of the group. Registration shall be made on a form approved by the director of regulatory services and each group member engaging in peddling or soliciting shall carry with and display a city-approved group identification card.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 335 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Street Photographers.

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

Section 1. That Section 335.50 of the above-entitled ordinance be amended to read as follows:

335.50. Bond required. No license shall be issued until the applicant shall file with the ~~department of licenses and consumer services~~ licensing official a surety bond, approved by the city attorney, in the sum of ten thousand dollars (\$10,000.00), conditioned upon the licensee responding in damages to all persons who may suffer damages arising out of the operation and conduct of said business upon the streets of the city, which bond shall cover one or more photographer-employees of the licensee and shall be written in favor of the city and all persons who might suffer or sustain any damage arising out of the operation of the business of street photography, and that the same shall remain in full force and effect during the continuance of said license.

Section 2. That Section 335.60 of the above-entitled ordinance be amended to read as follows:

335.60. Issuance of license; badge. When satisfied that the applicant is of good moral character and has met the requirements of this chapter, the ~~director of licenses and consumer services~~ licensing official shall issue a license to the applicant to engage in the business of street photography, and shall furnish the applicant with a circular badge not less than two (2) inches in diameter which shall contain the words "Street Photographer, License No. _____." The licensee and all employees, while engaged in taking street action pictures, shall wear said badge in a conspicuous place on their outer garments.

Section 3. That Section 335.70 of the above-entitled ordinance be amended to read as follows:

335.70. Regulations. Each licensee under this chapter shall, in the conduct of the business, be governed by the following regulations:

- (a) The licensee shall not obstruct or impede pedestrian traffic, and shall not remain more than fifteen (15) minutes at any one location on the sidewalk.
- (b) The licensee shall not operate within a distance of thirty (30) feet of any street corner.
- (c) The licensee shall not ~~annoy~~ bother any pedestrians by soliciting them to purchase pictures.
- (d) The licensee shall see that all cards which may be cast upon the sidewalk by the persons to whom they have been handed are picked up from the sidewalk or street.
- (e) No person shall be required by the licensee or any of the licensee's photographers or employees to pay anything for pictures without first having the opportunity of seeing, without charge, a proof of the picture taken.
- (f) The licensee shall at all times keep the ~~department of licenses and consumer services~~ licensing official advised of the names of currently employed photographers, and said ~~department~~ licensing official shall be notified within forty-eight (48) hours when any of the same are no longer employed by the licensee.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 339 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Body Art Code.

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

Section 1. That Section 339.20 of the above-entitled ordinance be amended to read as follows:

339.20. Definitions. The following terms used in this ordinance shall be defined as follows:

Aftercare means written instructions given to the client, specific to the procedure rendered, on caring for the body art and surrounding area. The instructions must include information on when to seek medical treatment.

Antiseptic means an agent that destroys disease-causing microorganisms on human skin or mucosa.

Body art or *body art procedure* means physical body adornment using, but not limited to, tattooing and body piercing. Body art does not include practices and procedures that are performed by a licensed medical or dental professional if the procedure is within the professional's scope of practice.

Body art establishment means any structure or venue, whether permanent or temporary, where body art is performed.

Body piercer or *piercer* means any person engaged in the practice of body piercing.

Body piercing or *piercing* means puncturing or penetration of the skin and tissue of a person and the insertion of jewelry or other adornment into the opening, except puncturing the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.

Branding means an indelible mark burned into the skin using instruments of thermal cautery, radio hyfreccation, and strike branding.

Contaminated waste means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in Code of Federal Regulations, title 29, section 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens."

Convention temporary event means a tattooing or piercing event held in a building other than the licensed tattooing or piercing establishment.

~~*Department* means the Department of Regulatory Services, City of Minneapolis.~~

~~*Director* means the director of the department of licenses and consumer services and his or her designee~~

Disinfection means the destruction of disease-causing microorganisms on inanimate objects or surfaces.

Equipment means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

Establishment means any location where tattooing, piercing, or both tattooing and piercing are practiced.

Establishment plan means a to-scale drawing or other suitable drawings and specifications of an establishment's layout which illustrates that the requirements of sections 339.160(1) and (2) are incorporated into the establishment's proposed facilities.

Guest artist means an individual who performs body art procedures according to the requirements under section 339.120(1).

Guest artist temporary event means performing body art procedures within a licensed body art establishment by a person licensed to perform body art procedures pursuant to section 339.120(1).

Handsink means a lavatory equipped with potable hot and cold water held under pressure, used for washing hands, wrists, arms, or other portions of the body.

Hot water means water at a temperature of at least one hundred ten (110) degree F.

Implanting means to fix or set securely an object in or under tissue and includes but is not limited to three-dimensional body art applications. Implanting does not include medical procedures including but not limited to pacemaker insertion, cosmetic surgery, and reconstructive surgery performed by licensed medical personnel.

Jewelry means any ornament inserted into a pierced area.

Licensing official means the licensing official designated by the director of community planning and economic development, who supervises the licensing and consumer services functions of the city.

Liquid chemical germicide means a tuberculocidal disinfectant or sanitizer registered with the Environmental Protection Agency.

Microdermal means a single-point perforation of any body part other than an earlobe for the purpose of inserting an anchor with a step either protruding from or flush with the skin.

Micropigmentation or cosmetic tattooing means the use of tattoos for permanent makeup or to hide or neutralize skin discolorations.

Operator means any person who controls, operates, or manages body art activities at a body art establishment and who is responsible for the establishment's compliance with these regulations, whether or not the person actually performs body art activities.

Piercer (see "Body piercer.")

Piercing (see "Body piercing.")

Procedure surface means the surface area of furniture or accessories that may come into contact with the client's clothed or unclothed body during a body art procedure and the area of the client's skin where the body art procedure is to be performed and the surrounding area, or any other associated work area requiring sanitizing.

Remodel means, for the purposes of the body art code, any change to the current establishment that would require either a building permit or trades permit for the work to proceed except that remodel does not include changes to the front desk area, wait area, painting, wallpapering, or carpeting, even if a permit is otherwise required. Adding a new workstation, plumbing changes, or expanding into adjacent space to add workstations are examples of remodeling. Remodel also means any change to an establishment plan previously submitted to the ~~director~~ licensing official.

Sanitize/sanitization means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level.

Scarification means an indelible mark fixed on the body by the production of scars.

Sharps means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized, single use needles, scalpel blades, and razor blades.

Sharps container means a closed puncture-resistant, leak-proof container labeled with the international "biohazard" symbol that is used for handling, storage, transportation, and disposal.

Single use means products or items intended for one-time, one-person use that are disposed of after use on the client. This definition includes, but is not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, disposable razors, piercing needles, tattoo needles, scalpel blades, stencils, ink cups, and protective gloves.

Sterilization means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

Subdermal implantation means the implantation of an object entirely below the dermis.

Suspension means the suspension of the body from affixed hooks placed through temporary piercings.

Tattooing means any method of placing indelible ink or other pigment into or under the skin or mucosa with needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of micropigmentation and cosmetic tattooing.

Tattooist means any person engaged in the practice of tattooing.

Technician or *body art technician* means any individual who is licensed under Minn. Statute Chapter 146B to perform tattooing or piercing.

Temporary body art establishment means any place or premise operating at a fixed location where an operator performs body art procedures for no more than twenty-one (21) days in conjunction with a single event or celebration.

Tongue bifurcation means the cutting of the tongue from the tip of the base, forking at the end.

Universal precautions means a set of guidelines and controls, published by the Center for Disease Control (CDC) as "guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as "recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures," in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

Section 2. That Section 339.40 of the above-entitled ordinance be amended to read as follows:

339.40. Enforcement. Pursuant to the authority granted in Minn. Statute Section 146B.02(9), the ~~department of regulatory services~~ licensing official shall enforce the provisions of this chapter. The ~~director of licenses and consumer services, or designee thereof,~~ licensing official, after proper identification, shall at all reasonable times have the right to enter into and upon premises and inspect any tattooing or piercing establishment.

Section 3. That Section 339.60 of the above-entitled ordinance be amended to read as follows:

339.60. Establishment licensing procedure. (a) All applications, new and renewal, for body art establishment licenses shall be made upon forms furnished by the ~~director of licenses and consumer services~~ licensing official, and upon payment of the license fee, the license may be granted or denied pursuant to section 259.30

(b) Each new applicant shall provide:

- (1) Names, addresses, phone numbers, and dates of birth of all owners, officers, partners and onsite managers of the body art establishment;
- (2) The address of the permanent or temporary establishment;
- (3) An approved establishment plan;
- (4) All applicable fees; and
- (5) Any other relevant information as required by the ~~director~~ licensing official.

Section 4. That Section 339.82 of the above-entitled ordinance be amended to read as follows:

339.82. Establishment information. The following information must be kept on file for three (3) years on the premises of the establishment and must be made available for inspection upon request by the ~~director~~ licensing official:

- (1) A description of all body art procedures performed by the establishment;
- (2) Copies of the spore tests conducted on each sterilizer; and
- (3) The following information for each technician or guest artist employed or performing body art procedures in the establishment:
 - a. Name;
 - b. Home address;
 - c. Home telephone number;
 - d. Date of birth;
 - e. Copy of an identification photo; and
 - f. License number or guest artist license number.

Section 5. That Section 339.90 of the above-entitled ordinance be amended to read as follows:

339.90. Establishment plan review. Establishment plan review is required for all new, remodeled, and altered establishments prior to commencement of construction. An establishment owner must submit an establishment plan to the ~~director~~ licensing official for approval of such plans and specifications. Plans and specifications shall be in sufficient detail so that an accurate and complete appraisal can be made as to compliance with the provisions of this chapter, including but not limited to sections 339.150 (1) and (2). Failure to submit a plan for approval may result in the closing down of operations until plans have been approved.

Section 6. That Section 339.120 of the above-entitled ordinance be amended to read as follows:

339.120. Temporary event license. Notwithstanding the requirements set forth in this chapter, the ~~director~~ licensing official may issue a temporary event license for a convention or guest artist temporary event. A convention temporary event shall be sponsored by a licensed body art establishment or professional organization. A guest artist temporary event shall be sponsored by a licensed body art establishment. The

sponsor of a convention or guest artist temporary event shall list on the temporary event license application the name, address, date of birth, state license number and phone number of each participating body art technician, and the starting and anticipated completion dates the guest artist will be working.

(1) *License requirements.* A body art technician must hold a license issued pursuant to Minnesota Statute Section 146B.04.

(2) *Duration of event.*

- a. A convention temporary event shall be no longer than seven (7) consecutive days.
- b. A guest artist may not conduct body art procedures for more than thirty (30) days per calendar year. If the guest artist exceeds this time period, the guest artist must apply for a technician's license pursuant to Minn. Statute 146B.03.

(3) *Number of events.*

- a. The same establishment or professional organization serving as a sponsor of a convention temporary event shall have no more than two (2) tattooing or piercing events in the same calendar year.
- b. The same establishment serving as a sponsor of a guest artist temporary event shall have no more than four (4) tattooing or piercing events in the same calendar year.

(4) *Convention temporary event location requirements.*

- a. A convention temporary event shall be held in a building other than a licensed tattooing or piercing establishment.
- b. The location must be equipped with the facilities specified in 339.150(1) and (2).
- c. A portable hand washing station must be located at each tattooing or piercing station, or an approved equivalency.

(5) *Sponsor fee.* The fee for a sponsor of a convention or guest artist temporary event shall be as established in the license fee schedule, and the fee shall be increased by fifty (50) percent if the completed application is received less than fourteen (14) days prior to the event.

Section 7. That Section 339.140 of the above-entitled ordinance be amended to read as follows:

339.140. Client records. The establishment licensee shall maintain proper records for each customer. The records shall include the following:

- (1) The date of the procedure.
- (2) Record of information on picture identification showing name, age, and current address of client.
- (3) The design and location of the body art procedure performed.
- (4) The name and license number of the technician performing the procedure.
- (5) If the client is eighteen (18) years or older, a copy of the informed consent form to perform the tattoo or piercing signed and dated by the client.
- (6) If the client is under the age of eighteen (18) years, a copy of the consent form to allow the piercing signed and dated by the parent or legal guardian as required under section 339.140
- (7) A copy of the consent form signed and dated by the client required pursuant to section 339.130(f).

The record of the procedure shall be kept for three (3) years and shall be available for inspection by the ~~department~~ licensing official upon request.

Section 8. That Section 339.150 of the above-entitled ordinance be amended to read as follows:

339.150. Health and sanitary requirements. No body art establishment shall engage in the practice of body art, tattooing or piercing without complying with the following health and sanitary regulations:

- (1) *Facilities.*
 - a. Any new or remodeled establishment shall submit an establishment plan in sufficient detail to the ~~director~~ licensing official to ascertain compliance with all other conditions and provisions of section 339.150(1) and (2).
 - b. Every establishment shall be equipped with a sewer and water connected water closet and a hand lavatory. The hand lavatory shall be conveniently located and supplied with hot and cold running water under pressure, maintained in good working order at all times, and kept in a clean and sanitary condition. The hand lavatory must be equipped with liquid hand soap, single-use paper towels or a

mechanical hand drier or blower, and a nonporous washable garbage receptacle with a foot-operated lid or with no lid and a removable liner.

- c. There shall be not less than one hundred fifty (150) square feet of floor space at the establishment and the establishment shall be lighted and ventilated as to comply with the standards approved by the director licensing official.
- d. No establishment shall be used or occupied for living or sleeping quarters.
- e. Facilities shall be maintained in good working order and in a clean and sanitary condition.
- f. The procedure area must be separated from any other area that may cause potential contamination of work surfaces.
- g. For clients requesting privacy, at a minimum, a divider, curtain, or partition must be provided to separate multiple procedure areas.
- h. All procedure surfaces must be smooth, nonabsorbent, and easily cleanable.
- i. All ceilings in the establishment must be in good condition.
- j. All walls and floors must be free of open holes or cracks and be washable. No carpeting may be in areas used for body art procedures unless the carpeting is entirely covered with a rigid, nonporous, easily cleanable material.
- k. No animals may be present during a body art procedure, unless the animal is a service animal.

(2) Equipment and instruments.

- a. All jewelry shall be sterilized before use, and all needles and all tubes shall be sterilized before and after use. All needles used for piercing shall be single use needles. All sterilization shall be conducted:
 - 1. In a steam pressure autoclave using heat sensitive tape or thermometer and pressure gauge for at least fifteen (15) minutes at a minimum of two hundred fifty (250) degrees Fahrenheit, one hundred twenty-one (121) degrees Celsius, and at a minimum of fifteen (15) pounds of chamber pressure (fifteen (15) psi); or

2. In a steam pressure autoclave using heat sensitive tape or thermometer and pressure gauge for at least thirty (30) minutes at a minimum of two hundred forty (240) degrees Fahrenheit, one hundred fifteen (115) degrees Celsius, and at a minimum of ten (10) pounds of chamber pressure (ten (10) psi); or
 3. By another method approved by the ~~director~~ licensing official which results in sterilization.
 4. At least once a month, but not to exceed thirty (30) days between tests, a spore test must be conducted on each sterilizer used to ensure proper functioning. If a positive spore test result is received, the sterilizer at issue may not be used until a negative result is obtained.
- b. Reusable instruments must be thoroughly washed to remove all organic matter, rinsed, and sterilized before and after use.
 - c. Jewelry must be made of surgical implant grade stainless steel, solid 14 karat or 18 karat white or yellow gold, niobium, titanium, platinum, and/or a dense, low-porosity plastic. Jewelry must be free of nicks, scratches, or irregular surfaces, and must be properly sterilized prior to use. Use of jewelry that is constructed of wood, bone, or other porous material is prohibited.
 - d. All inks, dyes, and pigments shall be specifically manufactured for performing tattoo procedures. The mixing of approved inks, dyes, or pigments, or their dilution with potable water is acceptable. Immediately before applying a tattoo, the quantity of the dye used shall be transferred from the dye bottle and placed into single use paper cups or plastic cups. Upon completion of the tattoo, these single use cups and their contents shall be ~~discarded~~ disposed.
 - e. All tables, chairs, and furniture which may be exposed to blood or body fluids during the tattooing or piercing procedure shall be constructed of stainless steel, or other suitable material which will allow complete sanitization, and shall be sanitized between uses.
 - f. Every tattooist or piercer shall provide single-service towels or wipes for each customer. Such towels or wipes shall be stored in a manner so as to preclude contamination and disposed of in a covered, cleanable receptacle, acceptable to the ~~director~~ licensing official.
 - g. ~~Every~~ Each body art technician, tattooist or piercer shall wear clean garments when engaged in the practice.

- h. All bandages and surgical dressings used in connection with the tattooing or piercing of any person shall be sterile or bulk-packaged clean.
- i. All equipment and instruments shall be maintained in good working order and in a clean and sanitary condition.
- j. All instruments and supplies must be stored clean and dry in covered containers.
- k. Single-use disposable barriers or a chemical germicide must be used on all equipment that cannot be sterilized as part of the procedure as required under this section including, but not limited to, spray bottles, procedure light fixture handles, and tattoo machines.

(3) *Skin preparation.*

- a. Whenever it is necessary to shave the skin, a new disposable single-use safety razor or a stainless steel straight edge must be used for each customer. The disposable razor must be discarded after use. The stainless steel straight edge must be thoroughly washed to remove all organic matter and sterilized before use on another client. All electric hair clippers shall be sanitized.
- b. No body art procedure may be performed on any area of the skin where there is an evident infection, irritation, or open wound.
- c. The skin area to be tattooed or pierced must be thoroughly cleaned with germicidal soap and water, rinsed thoroughly, and swabbed with an antiseptic solution. Only clean single-service towels and washcloths shall be used in the skin cleaning process.
- d. Tattooing or piercing shall not be performed on any area of the skin where there is an evident skin infection unless approved by a physician.

(4) *Hand washing.*

- a. Technicians must scrub their hands and wrists thoroughly before and after performing a body art procedure, after contact with the client receiving the procedure, and after contact with potentially contaminated materials.
- b. A technician may not smoke, eat, or drink while performing body art procedures.

- c. A technician may not perform a body art procedure if the technician has any open sores visible or in a location that may come in contact with the client.
- (5) *Gloves.* Single-use nonabsorbent gloves of adequate size and quality to preserve dexterity must be used for touching clients, for handling sterile instruments, or for handling blood or body fluids. Nonlatex gloves must be used with clients or employees who request them or when petroleum products are used. Gloves must be changed if a glove becomes damaged or comes in contact with any nonclean surface or objects or with a third person. At a minimum, gloves must be discarded after the completion of a procedure on a client. Upon leaving the procedure area, hands and wrists must be washed before putting on a clean pair of gloves and after removing a pair of gloves.
- (6) *Proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.*
- a. Articles such as bandages, dressings, gauze swabs, cotton, etc., used to clean tattooed or pierced skin areas must be properly discarded by placing these contaminated cleaning articles in sealable plastic bags which can be easily marked "contaminated with body fluids." All contaminated articles so packaged and labeled must be stored in a manner that presents no threat of recontamination or possible health hazards while awaiting final disposal.
 - b. Contaminated waste that may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag that is marked with the international biohazard symbol. It must then be disposed of by a licensed waste hauler at an approved site, or at a minimum, in accordance with the requirements contained in 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.
 - c. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods.
 - d. Sharps ready for disposal shall be disposed of in an approved container. Approved container means a puncture resistant, leak proof container that can be closed for handling, storage, transportation, and disposal. Ready for disposal means sterilized pursuant to 339.160(2)(a).

- e. Storage of contaminated waste on-site shall not exceed the period specified by 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.
- (7) The operator of the body art establishment shall ensure that all technicians provide each client with verbal and printed instructions on the approved care of the tattoo or piercing during the healing process. The written instructions must advise the client to consult a health care professional at the first sign of infection.
- (8) The operator of the body art establishment shall immediately notify the Minnesota Commissioner of Health and the City of Minneapolis health department of any reports received of a potential bloodborne pathogen transmission.

Section 9. That Section 339.160 of the above-entitled ordinance be amended to read as follows:

339.160. Grounds for denial of an establishment license or emergency closure. If any of the following conditions exist, the owner or operator of a licensed establishment may be ordered by the ~~director~~ licensing official to discontinue all operations of a licensed body art establishment or the ~~director~~ licensing official may refuse to grant or renew, suspend, or revoke licensure:

- (1) Evidence of a sewage backup in an area of the body art establishment where body art activities are conducted;
- (2) Lack of potable, plumbed, or hot or cold water to the extent that handwashing or toilet facilities are not operational;
- (3) Lack of electricity or gas service to the extent that handwashing, lighting, or toilet facilities are not operational;
- (4) Significant damage to the body art establishment due to tornado, fire, flood, or another disaster;
- (5) Evidence of an infestation of rodents or other vermin;
- (6) Evidence of any individual performing a body art procedure without a license as required under this chapter;
- (7) Evidence of existence of a public health nuisance;
- (8) Use of instruments or jewelry that are not sterile;
- (9) Failure to maintain required records;

- (10) Failure to use gloves as required;
- (11) Failure to properly dispose of sharps, blood or body fluids, or items contaminated by blood or body fluids;
- (12) Failure to properly report complaints of potential bloodborne pathogen transmission to the commissioner; or
- (13) Evidence of a positive spore test on the sterilizer if there is no other working sterilizer with a negative spore test in the establishment.

Before license approval or renewal or the reopening of the establishment, the establishment shall submit to the ~~director~~ licensing official satisfactory proof that the problem condition causing the need for the licensure action or emergency closure has been corrected or removed by the operator of the establishment. A body art establishment may not reopen without the written approval of the ~~director~~ licensing official and a valid establishment license.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Taxicabs.

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

Section 1. That Section 341.10 of the above-entitled ordinance be amended to read as follows:

341.10. Definitions. Whenever used in this chapter the following words shall mean:

Central business district: The geographic area bounded by and including the Mississippi River southeasterly to Interstate 35; Interstate 35 southerly to Interstate 94; Interstate 94 westerly and northerly to Glenwood Avenue; Glenwood Avenue easterly to North Ninth Street; North Ninth Street northerly to Second Avenue North, and Second Avenue North to the Mississippi River.

Committee: The committee of the city council to which responsibility for licensing and consumer services may be assigned.

~~*Department:* The department of the city responsible for licensing and consumer services.~~

~~*Director:* The director of the department of licenses and consumer services and his or her designee.~~

Licensing official. The licensing official designated by the director of community planning and economic development, who supervises the licensing and consumer services functions of the city.

Limousine: A luxury passenger automobile with a seating capacity for not more than twelve (12) people, excluding the driver, which does not have a meter, and has a chassis and wheelbase that has been stretched, or is a sedan that the manufacturer promotes as a luxury automobile. A limousine does not include a bus, a pickup truck, station wagon, taxicab, truck, van, multipurpose vehicle, or sport utility vehicle.

Limousine service: A service that is for-hire, is provided in a limousine, is not provided on a regular route, provides only prearranged pickup and charges more than a taxicab for a comparable trip.

Motor carrier of passengers: A person engaged in the for-hire transportation of passengers in vehicles designed to transport eight (8) or more persons, including the driver.

Service company: The company which, for each group of taxicab owners operating under a common color scheme, provides common services and facilities such as radio dispatching, color rights, advertising, telephone listings, maintenance, insurance, credit accounts, driver assignments, and record keeping.

Seven-county metropolitan area: The counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, within the State of Minnesota.

Taxi driver's license: A license granted in accordance with Article III of this chapter.

Taxicab: Any motor vehicle, except a limousine or motor carrier of passengers, regularly engaged in the business of carrying passengers for hire, having a seating capacity of seven (7) or fewer persons including the driver and not operated on a fixed route or schedule.

Taxicab license: A license granted in accordance with Article IV of this chapter.

Taximeter: An instrument or device attached to a vehicle and designed to measure mechanically the distance traveled by such vehicle, to record the time said vehicle travels or is in waiting and to indicate upon such record the fare to be charged.

Wheelchair accessible taxicab: A motor vehicle for hire of a distinctive color or colors operated at rates per mile or upon a waiting-time basis, or both, which is a minivan or similar vehicle specially adapted for wheelchair users, which is also equipped with a taximeter, and which prioritizes requests for service from wheelchair users for purposes of transportation over and along the public streets, not over a defined route but, as to the route and destination, in accordance with and under the direction of the passenger or person hiring such vehicle.

Section 2. That Section 341.130 of the above-entitled ordinance be amended to read as follows:

341.130. Driver appearance. Every taxicab driver, while on duty, shall keep a clean and well-groomed appearance, and shall be suitably dressed. "Suitably dressed" shall mean long pants, jeans or bermuda or postal-type shorts, a skirt or dress, a shirt or blouse with collar, or a turtleneck. Footwear shall be worn consisting of shoes and socks, or sandals with a band or strap that fastens over the instep or around the ankle.

The following articles of clothing, when worn as outer garments, are prohibited:

- (1) T-shirts without a pocket or buttons, underwear, tank tops, swimwear, jogging suits, body shirts, shorts, cut-offs, trunks, or similar attire;
- (2) Flip-flop style sandals and clogs.
- (3) Any clothing items with holes, tears or prominent stains.

By prior approval of the ~~director~~ licensing official, T-shirts and sports jerseys and shirts may be worn as outer garments in conjunction with special attractions.

Section 3. That Section 341.240 of the above-entitled ordinance be amended to read as follows:

341.240. Trip sheets. At the start of each shift, each driver shall enter the following information onto the trip sheet required by this section: (1) date, (2) shift start time, (3) driver name, (4) vehicle number, (5) and a written affirmation that a vehicle inspection was completed in compliance with section 341.140. Every taxicab driver shall keep a trip sheet, current to the last run taken, upon which shall be noted the starting location and time, and the drop off location and time of each trip, the place of discharge of each passenger, the amount of the fare charged, whether upon the meter, flat rate or trip basis, the time reporting and going off duty. Every taxicab driver shall also indicate on the trip sheet which runs included wheelchair accessible fares and shall indicate such fares with the letters "WC" by that run on the trip sheet. Such sheet shall be filed with and as part of the records of the taxicab vehicle licensee, and at the office of the service company with which the taxicab vehicle is associated. Trip sheets shall be filed not later than seventy-two (72) hours after the completion of the driver's shift, or immediately on demand of a police officer, traffic control officer or license inspector. The trip sheets shall be open to inspection by the chief of police, ~~director~~ licensing official, or their representatives at all times, and failure to so make and keep such trip sheets or the falsification of such trip sheets shall constitute a violation of this chapter and shall be cause for the revocation of the driver's taxicab license or, in the event such failure is by the vehicle licensee, shall be cause for the revocation of the taxicab license of such licensee. Each taxicab service company shall preserve trip sheets for a period of six (6) months, and submit upon request of the city council or ~~department~~ licensing official, any information contained in the driver's trip sheets, together with the true and correct information as to the orders or calls for taxicabs and the disposition of same. Service companies shall file trip sheets by cab number, chronologically.

Section 4. That Section 341.250 of the above-entitled ordinance be amended to read as follows:

341.250. Prohibited acts. No taxicab driver shall:

- (1) Operate a taxicab in violation of state or local traffic regulations, or in any event without proper regard for the traffic, surface, and width of the street or highway and the hazards at intersections and any other conditions then existing, nor in such a manner or condition as to endanger or to be likely to endanger the safety of passengers, pedestrians, vehicles or the persons and property of others;
- (2) Interfere with, impede, obstruct the legal operation of, or intentionally damage any vehicle or its equipment;
- (3) Threaten, abuse, insult, provoke, interfere with, detain, impede or obstruct any other licensed driver, any passenger, prospective passenger or any other person in connection with operations under this chapter;
- (4) Operate a taxicab in violation of the Minnesota Clean Indoor Air Act;
- (5) Have in his or her possession while operating a taxicab, any firearm, knife with a blade length in excess of four (4) inches, or any assault weapon, as defined in section 393.85
- (6) Provide any payment to any doorman, bellhop, taxicab starter, bartender or any other person within the City of Minneapolis in return for the referral of passengers;
- (7) Block the normal flow of traffic, except while parallel parking or actively and lawfully loading and unloading passengers;
- (8) Knowingly and with intent to disrupt communication on a two-way radio system, manipulate a microphone switch or other jamming device;
- (9) Provide false information to or refuse to obey or to comply with any lawful order or direction of the license inspector or any police officer, or traffic-control officer, or duly appointed inspector of the department, nor shall any licensee use profane language or otherwise interfere with such officials while in the performance of their duties;
- (10) Report a false location for purposes of gaining an unfair advantage in bidding to provide service;
- (11) Fail to engage the taximeter when the taxicab is in motion and a passenger is present, unless a method of computing the fare without use of the meter is expressly authorized by a provision of this chapter;

- (12) Solicit passengers in the City of Minneapolis, or lay hands upon the person or baggage of any person without the express consent of that person, or obstruct the movement of any persons, or follow any person for the purpose of soliciting business. Display of a sign on the taxicab to indicate that it is not engaged shall not be considered solicitation;
- (13) Deceive any person as to destination, route, authorized taxicab rates, or fare;
- (14) Overcharge;
- (15) Take a circuitous route to a destination, or any route other than the most direct route, without the express consent of the passenger;
- (16) Drop a passenger at a location other than the location requested unless prohibited by law;
- (17) Refuse to convey an orderly passenger;
- (18) Report for another driver's order;
- (19) Fail to provide a receipt upon request;
- (20) Play a radio or tape player without the consent of the passengers, with the exception of the vehicle's two-way radio;
- (21) Engage in, or permit the use of a taxicab for, illegal gambling, prostitution, or trafficking in alcoholic beverages or controlled substances;
- (22) Be in possession of or consume any alcoholic beverage or controlled substance while on duty; consume any alcoholic beverage or controlled substance within four (4) hours before beginning a shift;
- (23) Drive a taxicab for more than twelve (12) hours in any twenty-four-hour period or for more than seventy-two (72) hours in any seven-day period;
- (24) Park a taxicab in a residential area in violation of section 478.240 of this Code;
- (25) Allow more passengers to occupy the vehicle than is provided for by its normal seating capacity, as indicated on the vehicle application. In no event shall more than two (2) persons in addition to the driver be permitted in the front seat of such vehicle;
- (26) Lock, disable or refuse to unlock any taxicab door for the purpose of detaining or impeding a passenger;

- (27) Operate a taxicab while using an electronic wireless communications device to write, send or read a text-based communication, unless such taxicab shall be lawfully standing or parked;
- (28) Operate a taxicab while using a wireless telephone, including a wireless telephone equipped with hands-free technology, when a passenger is present, except for emergency purposes;
- (29) Knowingly continue to operate a taxicab for hire when the condition of the vehicle is in violation of section 341.590, or otherwise detrimental to public safety;
- (30) Knowingly disable, alter, damage or otherwise render inoperable any mandatory safety equipment required pursuant to section 341.597.

Section 5. That Section 341.305 of the above-entitled ordinance be amended to read as follows:

341.305. City ownership of taxicab license. (a) Authorized new licenses. Licenses originally issued on or after October 1, 1995, shall be issued for a period of one (1) calendar year and are subject to the annual renewal provision contained in section 341.260. Such licenses shall remain the title and property of the City of Minneapolis. Licensees in good standing shall have leave to operate a taxicab during the annual license period in compliance with the provisions of the Minneapolis Taxicab Ordinance, but licensees may not transfer licenses originally issued on or after October 1, 1995, to other individuals or companies. When a licensee ceases the operation of a taxicab license originally issued on or after October 1, 1995, the licensee shall surrender the license to the ~~director~~ licensing official to be re-awarded to applicants on the waiting list provided for in section 341.300(b)(2).

Section 6. That Section 341.330 of the above-entitled ordinance be amended to read as follows:

341.330. Neighborhood taxicab stands. (a) The city engineer and the ~~director~~ licensing official shall recommend locations on public streets in the vicinity of retail stores, medical facilities and multi-family residential buildings outside of the central business district for the establishment of taxicab stands. The city engineer and the ~~director~~ licensing official shall also work with the owners and operators of retail stores, medical facilities and multi-family residential buildings to identify appropriate locations for taxicab stands in the parking lots or driveways of such properties. Upon approval by the city council and the mayor, and with the concurrence of private property owners for taxicab stands to be located on private property, the city engineer shall install appropriate signs and street markings for taxicab stands at these locations.

(b) All taxicab operators licensed to operate in Minneapolis may wait for fares at taxicab stands outside of the central business district without first having obtained a downtown taxicab stand permit.

Section 7. That Section 341.370 of the above-entitled ordinance be amended to read as follows:

341.370. Test required. The ~~department~~ licensing official shall test each applicant for a taxicab driver's license to determine that the applicant has a satisfactory knowledge of the provisions of this chapter, the traffic regulations, and the geography and street system of the City of Minneapolis, and a satisfactory ability to read, write, and speak the English language.

Section 8. That Section 341.380 of the above-entitled ordinance be amended to read as follows:

341.380. Taxicab driver training course. (a) The ~~director~~ licensing official shall establish a taxicab driver training course pursuant to the terms of this section. The course shall be designed to enhance the proficiency of drivers in all aspects of taxicab driving, and will include topics such as geography of the metropolitan area, traffic laws, vehicle safety, taxicab licensing laws and driver code of conduct, radio communications, cab stand and call procedures, taxicab fares, vehicle cleanliness and maintenance, customer relations, courtesy, and the accommodation of patrons with disabilities.

(b) The course may consist of components taught by ~~department~~ city employees, or components taught by an educational institution under contract with the city, or by a combination of such components.

(c) Successful completion of the taxicab driver training course shall be a prerequisite for obtaining a license for all taxicab drivers not licensed on the effective date of this ordinance, all taxicab drivers whose licenses have lapsed for more than one (1) year, and may be imposed as a requirement in any disciplinary action against a licensed driver, as a condition for renewal of a taxicab driver's license in the event of customer complaints, violations of taxicab regulations, or moving violations, and as a condition for reinstatement of any revoked or suspended taxicab driver's license.

(d) Each taxicab driver attending the course shall pay thirty-five dollars (\$35.00) towards the course tuition. The driver's service company shall pay fifteen dollars (\$15.00) toward the course tuition for each attending driver. Payment by each driver and service company shall be made to the ~~department~~ licensing official prior to admittance to the course. No driver shall be admitted to the course without presenting a paid voucher bearing the stamp of the ~~department~~ licensing official showing full payment by the driver and the service company.

(e) The city will match the total service company tuition payments, on an annual basis, in contributions to tuition costs or additional expenditures on curriculum development and instructional materials to improve the taxicab driver training course. In lieu of a matching contribution, the city in its discretion may reduce the service company tuition contribution for the next year by the amount not matched.

(f) The ~~department~~ licensing official shall not enroll a driver in the course unless the driver has filed a complete taxicab driver license application and paid the fee as required in section 341.410

(g) Upon successful completion of the course, the driver shall be issued a certificate of completion that shall make the driver eligible for a taxicab driver's license, upon payment of any remaining license fee and satisfaction of any remaining prerequisites.

Section 9. That Section 341.390 of the above-entitled ordinance be amended to read as follows:

341.390. License application. Every applicant for a taxicab driver's license shall file an application with the ~~department of licenses and consumer services~~ licensing official. The application shall be made on a form provided by the ~~department~~ licensing official, containing such information as the ~~director~~ licensing official may require to verify that the terms and conditions of this chapter have been met. The application shall be signed and sworn to by the applicant. The ~~department of licenses and consumer services~~ licensing official shall investigate each applicant. Any false statement on the application shall be grounds for denial, refusal to renew, or revocation of a license.

Section 10. That Section 341.400 of the above-entitled ordinance be amended to read as follows:

341.400. Duty to exhibit license. Every taxicab driver shall carry his or her taxicab driver's license while on duty and shall, upon demand of an inspector of licenses, a police officer, traffic-control agent or passenger, exhibit his or her license for inspection. Effective September 1, 1988, every taxicab driver while on duty shall display his or her taxicab driver's license on the dashboard of the vehicle in a location readily visible to passengers, in a manner approved by the ~~director~~ licensing official. In addition to any other penalties, a license inspector, police officer or traffic-control agent may order the licensee to discontinue operations until such time as the licensee has a license in possession.

Section 11. That Section 341.420 of the above-entitled ordinance be amended to read as follows:

341.420. Issuance of license. Each driver's license shall have upon it a number by which the license shall be designated and such other information as the ~~director~~ licensing official may require. Each license shall indicate the name of the service company for which the driver works. No taxicab driver shall drive for a different service company without first notifying the ~~department~~ licensing official and obtaining a new driver's license indicating the new service company. Any licensee who defaces, removes or obliterates any official entry made upon his or her license shall, in addition to any other punishment, have the license revoked.

Section 12. That Section 341.425 of the above-entitled ordinance be amended to read as follows:

341.425. License to be coterminous with Minnesota driver's license. A taxicab driver's license issued under this chapter shall be coterminous with the licensee's Minnesota driver's license. Any time that a licensee's Minnesota driver's license is suspended, revoked, or cancelled, his or her taxicab driver's license shall likewise be immediately suspended, revoked, or cancelled. The licensee shall immediately surrender his or her taxicab driver's license to the ~~department~~ licensing official. The taxicab driver's license shall be returned to the licensee upon reinstatement of the Minnesota driver's license or issuance of a limited license authorizing operation of a taxicab. No person shall operate a taxicab without a valid Minnesota driver's license.

Section 13. That Section 341.440 of the above-entitled ordinance be amended to read as follows:

341.440. Suspensions, revocations, and nonrenewal. A taxicab driver's license may be revoked, suspended, or not renewed by the city council at any time for cause after a hearing before the committee. When a license has been revoked, or suspended, it shall immediately be returned to the ~~department~~ licensing official. If the city council stipulates that a licensee whose license has been revoked may reapply after a specific period of time has elapsed, that period of time shall not commence until the license has been returned to the ~~department~~ licensing official.

Section 14. That Section 341.460 of the above-entitled ordinance be amended to read as follows:

341.460. Revocation, suspension and cancellation of Minnesota driver's license; limited licenses; alcohol-related driving convictions. (a) Any person holding a taxicab driver's license, whose Minnesota driver's license is revoked, suspended or cancelled for any reason, shall immediately surrender his or her taxicab driver's license to the ~~department~~ licensing official. The taxicab driver's license shall be returned to the licensee upon reinstatement of the Minnesota driver's license or issuance of a limited license authorizing operation of a taxicab.

(b) Any licensed taxicab driver whose Minnesota driver's license has been revoked, suspended or cancelled and who has been issued a limited license authorizing the operation of a taxicab shall immediately notify the ~~department~~ licensing official of the

same. The licensee shall furnish a copy of the limited license to the ~~director~~ licensing official. The licensee shall also furnish a written statement containing a schedule of the days and hours of each day during which he or she will be driving a taxicab during the term of the limited license. No deviation from the schedule shall be permitted. The licensee shall personally furnish to the ~~director~~ licensing official copies of all trip sheets for all shifts worked during the term of the limited license.

(c) Any person holding a taxicab driver's license shall notify the ~~department~~ licensing official immediately whenever he or she is convicted of an alcohol-related driving offense, whether or not it involves the operation of a taxicab. Alcohol-related driving offenses shall include driving under the influence, driving with a blood alcohol concentration of .08 or greater, any lesser moving violation in which a blood alcohol concentration test was given and recorded .08 or greater, aggravated driving violations, and open bottle.

(d) Failure to comply with the provisions of this section shall be grounds for revocation of a taxicab driver's license.

Section 15. That Section 341.495 of the above-entitled ordinance be amended to read as follows:

341.495. Reciprocity event licenses. (a) *Definitions* as used in this article shall mean:

Designated area shall mean the location within the reciprocity event where designated drivers are allowed to solicit business under their reciprocity event license.

Designated driver shall mean a driver holding a reciprocity event license issued by either Minneapolis or another designated jurisdiction who is eligible to participate in a reciprocity event.

Designated jurisdiction shall mean a jurisdiction outside the City of Minneapolis which is participating in a reciprocity event. Drivers from designated jurisdictions shall be eligible to become designated drivers. Drivers may obtain a reciprocity event license from any designated jurisdiction unless otherwise indicated in the reciprocity event information.

Reciprocity event shall mean an event where reciprocity designated drivers from other designated jurisdictions shall be eligible to solicit business in the designated area.

(b) *Declaration of reciprocity event.* The ~~director of licenses and consumer services~~ licensing official may declare a reciprocity event in the City of Minneapolis. Such event may be declared when conditions exist that are likely to create a need for taxicabs within the City of Minneapolis that is greater than can be met by the existing number of licensed taxis within the city. During such an event, a vehicle and/or driver holding a City of Minneapolis license may continue to operate within the City of

Minneapolis without a reciprocity event license. For each such event, the division of licenses and consumer services shall:

- (1) Post reciprocity event information on the division of licenses and consumer services web site listing the designated jurisdictions, designated area, dates of event, any restrictions that apply to designated vehicles or drivers, and the necessary steps to obtain a reciprocity event license.
- (2) Provide a license decal to all vehicles that obtain a reciprocity event license.

(c) *Reciprocity event license.* Licensed drivers and vehicles may obtain reciprocity event licenses under the following conditions:

- (1) Applicant driver must hold and demonstrate proof of a current valid taxi driver's license in a designated jurisdiction. The driver must have been subject to a criminal background check in order to obtain the taxi license.
- (2) Applicant vehicle must hold and demonstrate proof of a current valid taxi vehicle license in designated jurisdiction.
- (3) Applicant vehicle must demonstrate proof of a passed inspection within six (6) months of application for a reciprocity event license or submit to an inspection of the applicant vehicle prior to obtaining a reciprocity event license.
- (4) Submit payment of any license fees established for the reciprocity event license. Such license fees will be established by the ~~director of licenses and consumer services~~ licensing official and shall be based upon the actual costs incurred to effectively issue the reciprocity event licenses and decals.
- (5) Attend any reciprocity event training or instructional sessions.

(d) *Regulations.* The following regulations shall apply to reciprocity event licenses:

- (1) Licensee must abide by fare limits and all regulations applicable to the reciprocity event.
- (2) Any reciprocity event license issued is valid only for the specified time provided for in the license.
- (3) Licensed vehicles shall conspicuously display the reciprocity event decal on the passenger side rear window of the vehicle.

- (4) All regulations applicable to taxis in this chapter apply to reciprocity event licenses, unless otherwise stated as part of the reciprocity event information.
- (5) Failure to follow any applicable regulations may result in adverse licensing action on both the reciprocity event license and the taxi license held by the offending driver and vehicle owner.

Section 16. That Section 341.500 of the above-entitled ordinance be amended to read as follows:

341.500. Insurance required. No person shall operate or permit to be operated any taxicab within the limits of the city nor shall any taxicab license be issued under this article, unless and until the applicant shall execute or obtain and file with the ~~department~~ licensing official either an insurance policy meeting the requirements of sections 341.510 through 341.550 or a self-insurance certificate pursuant to section 341.560.

Section 17. That Section 341.510 of the above-entitled ordinance be amended to read as follows:

341.510. Requirements for insurance. (a) Such insurance policy or policies shall be in an insurance company duly licensed to do business in the State of Minnesota, shall be approved by the ~~director of licenses and consumer services~~ licensing official, and shall insure such person, his or her lessees or licensees, against loss in the sum of at least one hundred thousand dollars (\$100,000.00) because of bodily injury to or death of one (1) person in any one (1) accident, and subject to said limit for one person, to a limit of not less than three hundred thousand dollars (\$300,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident resulting from the negligent operation, use or defective condition of a taxicab.

(b) Such insurance policy shall, in addition to the foregoing provisions, also contain a provision insuring such person, his or her lessees or licensees, in the sum of at least one hundred thousand dollars (\$100,000.00) against loss for damage to the property of any person or persons in any one accident resulting from the negligent operation, use or defective condition of any taxicab.

(c) Any of the policies herein provided for shall contain a clause in the case of an insurance policy that the liability of the insurer shall not be affected by the insolvency or bankruptcy of the assured; a clause obligating the insurer to give fourteen (14) days' written notice to the ~~department~~ licensing official and to the insured or assured before any cancellation or termination thereof earlier than its expiration date; a clause providing for the indemnity or security against the liability and responsibility of the owner, licensee or operator of any such taxicab for death or injuries to any person or persons resulting from negligence in the operation of such taxicab, in the business of such owner, licensee or operator, by any person legally using or operating the same with the

permission, express or implied, of such owner, licensee or operator, subject to the limitations as to amount herein stated.

(d) No such policy shall include or contain any limitation, condition or clause providing in effect that such policy shall not cover automobiles mentioned or described or included therein when such automobiles are driven, used, operated or maintained while the driver or occupants thereof are intoxicated or engaged in the illicit transportation of liquor; and no such policy shall contain any limitation, clause or provision whatever excepting and releasing any insurer on any such policy from liability thereunder by reason of any such automobile being driven, used or operated when the driver or occupants thereof are intoxicated or engaged in the illicit transportation of liquor.

Section 18. That Section 341.530 of the above-entitled ordinance be amended to read as follows:

341.530. Replacement of insufficient insurance policy. If at any time in the judgment of the ~~department~~ licensing official, any such policy is not sufficient in form for any reason, the ~~department~~ licensing official shall require the owner, lessee, licensee or operator of such vehicle to replace such policy with another approved by the ~~director of licenses and consumer services~~ licensing official, and if for any reason any such policy shall become inoperative, no person shall operate any such taxicab until a policy approved by the ~~director~~ licensing official shall have been obtained and deposited with the ~~department~~ licensing official as herein provided.

Section 19. That Section 341.550 of the above-entitled ordinance be amended to read as follows:

341.550. License suspension or revocation for lack of insurance. (a) Any license issued under this article shall be immediately suspended by the ~~director~~ licensing official whenever during the term of said license the owner, lessee, licensee or operator of said taxicab shall fail to keep in full force and effect such insurance in the full amount required. If the insurance is allowed to lapse, is canceled, or is otherwise not in effect for a continuous period of sixty (60) days or more, the taxicab vehicle license shall be revoked.

(b) Because the city is concerned for the welfare of its citizens, and because the city desires to encourage its licensees to maintain adequate insurance coverage at all times, if the ~~department of licenses and consumer services~~ licensing official receives a cancellation notice prior to the annual expiration of any insurance policy for purposes other than a person to person transfer, a car to car transfer, or a company to company transfer, the license holder shall pay a fine of ten dollars (\$10.00) per vehicle affected. Insurance policies that are allowed to lapse less than sixty (60) days will result in a two hundred dollar (\$200.00) fine for the license holder. All such fines shall be paid within fifteen (15) days of notification by the department. Failure to pay fines due may result in affected vehicles being ordered off the street.

Section 20. That Section 341.560 of the above-entitled ordinance be amended to read as follows:

341.560. Self-insurance authorized. If the applicant for a license under this article has qualified as a self-insurer under Section 65B.48, subdivision 3, Minnesota Statutes, and files with the ~~department~~ licensing official a certified copy or a duplicate original of the self-insurance certificate as issued by the state, then no policy of insurance shall be required to be filed with the city which otherwise would be required under this article.

Section 21. That Section 341.580 of the above-entitled ordinance be amended to read as follows:

341.580. Requirements for license. Each applicant for a taxicab license must comply with the following to the satisfaction of the ~~department~~ licensing official:

- (a) Be a citizen of the State of Minnesota.
- (b) Be of the age of eighteen (18) years or over in the case of an individual person or copartners or, in the case of a corporation, must be authorized to operate taxicabs and carry on business in accordance with the laws of the State of Minnesota.
- (c) Must be a United States citizen, or an alien admitted for permanent residence, or who has otherwise obtained work authorization from the United States Immigration and Naturalization Service.
- (d) Must fill out upon a blank form to be provided by the ~~department~~ licensing official giving such information as required by the ~~director~~ licensing official regarding the applicant and the vehicle to verify that the terms and conditions of this chapter have been met.
- (e) Said application shall also include an accurate and detailed description of the color scheme of the taxicabs, including inscriptions or monograms thereon, proposed to be operated by the applicant, which shall be distinctly different from that of the taxicabs of any other licensed taxicab owner or operator, and from that of the taxicabs of the same owner or operator licensed in another jurisdiction, so that the ownership and identity may be readily ascertained by the police department and patrons of any taxicab, except that one (1) or more of the applicants who are members of the same taxicab organization or who subscribe for services to the same service company and who are authorized to use the color scheme of taxicabs, including the inscription or monograms thereon, of such organization or service company, may be licensed to do so when proper evidence of their right from such organization or service company to use such color scheme and inscriptions or monograms shall be filed with their application. The owner of any color right shall appoint the service company to be responsible for compliance and

administration of the chapter with respect to licensees using the color scheme and shall notify the ~~department~~ licensing official of that appointment. No owner of any taxicab or the operator or driver thereof, licensed under the terms of this article, shall make any change whatever in the color scheme of the taxicabs or the inscriptions or monograms thereon without first obtaining the approval of the ~~director of licenses and consumer services~~ licensing official.

- (f) The applicant applying for a taxicab license shall, before being issued a license, pay into the city treasury an annual license fee as specified in Appendix J, License Fee Schedule, for each and every vehicle to be licensed; except that when application shall be made after the commencement of any license year, licenses shall be issued for the period from the day of application thereof to the beginning of the next license year, upon payment by the applicant of a proportionate amount of the annual license fee.
- (g) The applicant(s) shall be the true beneficial owner(s) of the taxicab business to be licensed. The full legal names and addresses of all persons holding a beneficial interest in the business shall be provided on the application.
- (h) The applicant shall hold legal title to the vehicle. In the case of a partnership, the title shall be in the name of the partnership or one of the partners. In the case of a corporation, the title shall be in the name of the corporation. Exceptions to this provision may be granted for a vehicle held under a long-term lease from a reputable dealership or leasing company, in which case the applicant shall appear in the Minnesota vehicle registration as lessee. Exceptions may also be granted for vehicles in which title is held for financing purposes by a financial institution.
- (i) The applicant(s) shall have no felony convictions in the last five (5) years, nor any nontraffic gross misdemeanor or misdemeanor convictions in the last three (3) years involving the use of force, possession or sale of a controlled substance, prostitution, or indecent conduct. The ~~director~~ licensing official may grant an exception to this provision upon evidence that the offense is not related to the taxicab business.
- (j) [*Reserved.*]

Section 22. That Section 341.590 of the above-entitled ordinance be amended to read as follows:

341.590. Condition of vehicle. No taxicab shall be licensed, nor shall any person licensed under Article III of this chapter operate such vehicle, until it has been thoroughly and carefully examined and found to comply with the following:

- (a) Every taxicab shall be in thoroughly safe condition for the transportation of passengers. Every taxicab shall be in full compliance with all state and federal regulations relating to vehicle equipment, maintenance and safety.
- (b) To be well painted, and no taxicab shall be operated under its license until it has been painted in accordance with its authorized color scheme.
- (c) Every taxicab shall have doors that can be easily opened from both the inside and outside, and the ~~director~~ licensing official shall make or have made by competent inspectors such examination or inspection before a license is issued. No license shall be granted to any vehicle found to be unfit or unsuited for public patronage.
- (d) Every taxicab shall be equipped with a taximeter in good working order, equipped with a light so placed as to enable the passenger at all times to see the fare registered when operating on the meter basis.
- (e) All windows and windshields in each taxicab, whether in doors or side or rear windows, shall be of shatterproof or nonshatterable glass. Each taxicab shall be equipped with (4) wheel brakes.
- (f) Every taxicab shall be equipped at all times the taxi is in operation with a drop safe or deposit safe in good working order for the purpose of securing fares collected by the taxicab driver. Such safe shall be accessible from the driver's seat.
- (g) The taxicab shall have windows in the rear and side of the taxicab sufficient in number and of such size, dimensions and clarity that passengers may be readily seen and identified through the windows.
- (h) Every taxicab shall be equipped with at least three (3) doors in addition to the driver's door which open into the passenger compartment.
- (i) Every taxicab shall be maintained in a clean condition both inside and outside at all times. Each vehicle exterior and interior shall be thoroughly cleaned at least once every seven (7) days. ~~A department inspector~~ The licensing official may order a taxicab out of service at any time until such time as the vehicle has been cleaned.
- (j) All hood and trunk latches shall be in proper working order.

- (k) Each taxicab shall be substantially free from damage. The vehicle shall have no loose hanging metal, body molding or chrome stripping. The complete exhaust system shall be intact and in good working order. The taxicab shall not operate with large dents or major body damage, nor shall the taxicab operate with large areas of unpainted or rusted metal. Taxicabs shall have all required fenders, bumpers, doors, door handles and lights, all of which shall be in good working order. No taxicab shall operate with tires considered unsafe according to the standard set forth in Minnesota Statute 169.723. Failure to meet all above-listed requirements shall cause the taxicab to be found unfit or unsuited for public use, and such vehicle may be ordered off the streets of the City of Minneapolis.
- (l) ~~After March 31, 1984, a~~ All licensed taxicabs shall be equipped with seat belts openly displayed, readily available, and installed for use in the left front, right front, left rear, and right rear seats.
- (m) Every taxicab shall have a speedometer, odometer, gas gauge, oil pressure indicator, and gearshift indicator in good working order.
- (n) All mechanical systems and components, including the exhaust system, shall be intact, functional, and in good working condition.
- (o) Every taxicab shall be equipped with three (3) D.O.T. approved emergency triangles and a fully charged fire extinguisher with a minimum size of 5BC.
- (p) Each taxicab shall be equipped with a top light on the roof of the cab that shall be lighted when the cab is in service and available to receive passengers. Such light shall be visible from all directions.
- (q) Every taxicab licensee shall permanently affix to either the back of the front seat passenger side headrest, or the back of the front seat passenger side, beginning no lower than three (3) inches from the top of the front seat of the taxicab, an information card made of a laminated material at least three (3) inches by five (5) inches in size in Braille. This information card will contain the name of the taxicab company, the cab number and the telephone number of the office of licenses and consumer services licensing official or other city telephone number as directed by the licensing official. Also affixed to the back of either the front driver or front passenger seat headrest, or other location easily accessible to passengers, shall be a pamphlet holder suitable to store and display informational materials, passenger survey cards, or other materials as designated by the director of licenses and consumer services licensing official. Such pamphlet holder shall be designed to hold pamphlets or cards with a maximum width of four (4) inches. Taxicab licensees must maintain a supply of customer information and comment cards for immediate passenger use at all times.

- (r) Every taxicab shall be equipped with the approved safety equipment in section 341.597 for its particular service company.

Section 23. That Section 341.597 of the above-entitled ordinance be amended to read as follows:

341.597. Mandatory safety equipment. (a) All licensed taxicabs shall be equipped with at least one (1) of the following safety products, chosen by the service company, in accordance with the submission and requirements of their particular service company in section 341.960(m):

- (1) Digital camera security system.
- (2) Security shield.
- (3) Global positioning system (GPS).

(b) The ~~director~~ licensing official shall publish, maintain, and make available to the public a document that will outline the minimum standards and specifications required for each of these safety products and the taxicab licensees. This document shall be titled the taxicab safety book of standards. The city council shall approve the initial taxicab safety book of standards to be effective May 1, 2005, and all amendments thereto.

(c) Failure to comply with the terms of the taxicab safety book of standards may subject a taxicab licensee to revocation, suspension, or nonrenewal of their license.

(d) No taxicab licensee shall tamper, disable, or otherwise modify an approved digital camera security system, security shield, or global positioning system after installation.

(e) An inoperable or defective digital camera security system, security shield, or global positioning system shall cause the taxicab to be found unfit or unsuited for public use, and such vehicle may be ordered off the streets of the City of Minneapolis until repaired.

(f) No person shall disseminate, sell, or otherwise profit from any image recorded by a digital camera security system.

(g) In the event a taxicab is sold or otherwise transferred from one (1) service company or one (1) driver-owner to another, the approved safety equipment in section 341.597 for the current service company must be properly installed before the vehicle will be inspected and approved.

Section 24. That Section 341.600 of the above-entitled ordinance be amended to read as follows:

341.600. Issuance and form of license. When an application for a taxicab license has been approved, the ~~director of licenses and consumer services~~ licensing official, upon satisfactory fulfillment of the foregoing requirements, shall issue a taxicab license which shall be in such form as to contain:

(a) Class and passenger-carrying capacity of the taxicab licensed.

(b) The make of the car and, if available, the engine number and/or serial number, and the state license number.

(c) Each successful applicant shall be issued a decal that shall be permanently attached to the rear of the taxicab vehicle. The placement of such decal shall be to the immediate right or left of the rear license number required by section 341.640 of this article. The cost for replacement of a lost, damaged or destroyed decal shall be thirty-five dollars (\$35.00).

Section 25. That Section 341.605 of the above-entitled ordinance be amended to read as follows:

341.605. Taxicab stand permits. (a) No taxicab vehicle shall wait at any taxicab stand in the central business district without having first obtained a permit therefor. At the time a permit is issued, the applicant shall be furnished with a decal. The applicant shall attach such decal on the lower right side of the rear windshield of the taxicab.

(b) Licensees not displaying a taxicab stand decal, may discharge passengers at taxicab stands, but may not collect passengers within one hundred (100) feet of the same unless:

(1) The licensee is operating under a contract or charge account previously signed and on file at the company; or

(2) The licensee is responding to a special call for service when such call has been documented by telephone records and such other evidence as the ~~director~~ licensing official deems necessary.

(c) No licensee or service company may apply for taxicab stand permits in excess of fifty (50) percent of that licensee's or service company's total Minneapolis-licensed fleet.

(d) The downtown taxicab stand permit requirement shall not apply when the ~~director~~ licensing official deems that special circumstances, including but not limited to special events, warrant the waiver thereof.

(e) Notwithstanding the other provisions of this section, an individual or company holding a taxicab vehicle license or having applied for transfer of a taxicab vehicle license on or before January 21, 1985, which was not a member of a company,

cooperative, or association of at least fifteen (15) taxicabs or which was not equipped with two-way radio dispatch equipment may apply for taxi stand permits for all licensed taxicabs operating under their color scheme.

(f) The fee for the downtown taxicab stand permit shall be two hundred dollars (\$200.00) per year and due with the regular license fee each year.

Section 26. That Section 341.610 of the above-entitled ordinance be amended to read as follows:

341.610. Records and maintenance of licenses. Taxicab licenses shall be signed by the ~~director of licenses and consumer services~~ or by a duly authorized ~~employee~~ licensing official and shall contain a number to be selected in accordance with the provisions of section 259.190. Any licensee who shall willfully deface, remove or obliterate any official entry made upon a license may, in addition to any other punishment imposed, have the license revoked as provided by the City Charter. The ~~department~~ licensing official shall keep a register of the names of each person owning or operating a vehicle licensed under this article, together with the license number and the description, make and necessary dimensions of such vehicle, with the date and complete records of inspection made of it. Such records shall be open to the inspection of the public at all times.

Section 27. That Section 341.620 of the above-entitled ordinance be amended to read as follows:

341.620. Inspections. (a) The ~~director~~ licensing official shall maintain a constant vigilance over all taxicabs to see that they are kept in a condition of fitness for public use, and to this end shall inspect, or cause to be inspected, all taxicabs from time to time, or on the complaint of any citizen as often as may be necessary. Reports in writing of all inspections shall be promptly made to the ~~department~~ division.

(b) The ~~director~~ licensing official may adopt a taxicab inspection form to be used in the inspection of taxicabs, and may designate a category of equipment and body defects as "out of service" defects. Taxicabs with "out of service" defects shall be ordered out of service, and shall remain out of service until the next regularly scheduled inspection or until a special inspection arranged under section 341.625.

Section 28. That Section 341.625 of the above-entitled ordinance be amended to read as follows:

341.625. Special inspection fee. A taxi vehicle licensee may arrange for a special inspection of his or her vehicle outside the regularly scheduled inspection days and times of the department upon application and payment of a fee as specified in Appendix J, License Fee Schedule, for each vehicle to be inspected. Special inspections shall be scheduled during the normal working hours of the department licensing official and all requests for special inspections must be filed by 9:00 a.m. on the day the inspection is to be conducted.

Section 29. That Section 341.630 of the above-entitled ordinance be amended to read as follows:

341.630. Expiration; renewal. (a) All taxicab licenses issued under this article shall expire on February first of each year.

(b) License fees shall be as established in Appendix J, License Fee Schedule.

~~(c) Those taxicab service companies that on December 31st of each year are exceeding the minimum fleet fuel efficiency levels, and wheelchair accessible vehicles as described in section 341.300 of this Code, shall be permitted to submit a service company license with no renewal fee from department of licenses and consumer services for that year. This fee waiver incentive shall terminate on January 1, 2011.~~

Section 30. That Section 341.640 of the above-entitled ordinance be amended to read as follows:

341.640. Display of license number. The taxicab so licensed shall have permanently affixed upon the exterior surface of both front doors or fenders and of the body at the rear of the taxicab, so as to be plainly visible at all times, the taxicab license number, in figures measuring not less than two and one-half (2½) inches high, with a letter size measuring not less than five-sixteenths (5/16) of an inch in width.

No taxicab shall be operated without its license number so affixed upon it, which number shall be selected, designated and assigned by the department licensing official upon issuing such license. Whenever an individual taxicab owner has joined any taxicab company or association of taxicab owners, the owner shall be issued a new license within the numbers assigned the new company or association, in accordance with the numbers distributed to said company or association as herein provided.

Section 31. That Section 341.650 of the above-entitled ordinance be amended to read as follows:

341.650. Transfer of license—Vehicle to vehicle. Taxicab licenses issued under the provisions of this article may be transferred from cab to cab upon payment of a fee as specified in Appendix J, License Fee Schedule, and the filing of a written application. Wheelchair accessible taxicab licenses may only be transferred to another wheelchair accessible taxicab. The applicant for such transfer shall make application, setting forth the information required by section 341.590, and shall present therewith a

policy of insurance or bond approved in the manner and required by section 341.500. In the event such application is accompanied by a transfer of such policy of insurance or bond covering the first vehicle, such transfer shall contain a clause providing that the same shall not release the principal or surety from any liability resulting from the operation of the vehicle formerly covered under such policy, up to and including the date of such transfer. Upon the fulfillment of all of the provisions of this chapter concerning vehicle condition, insurance, title registration, and vehicle marking, and upon passing vehicle inspection, the ~~department~~ licensing official shall issue the necessary license and card to be displayed in said taxicab.

Section 32. That Section 341.655 of the above-entitled ordinance be amended to read as follows:

341.655. Transfer of license—Person to person. (a) Taxicab licenses issued prior to October 1, 1995, under the provisions of this article may be transferred from person to person upon payment of a fee as specified in Appendix J, License Fee Schedule, and completion of an application provided by the ~~department~~ licensing official, and approval by the ~~director of licenses and consumer services~~ licensing official. In addition to the information and requirements prescribed by sections 341.500 and 341.580, each application for a transfer shall contain a sworn statement from the present licensee by which he or she consents to the proposed transfer. If the licensee is a partnership, all partners shall complete such statement and if a corporation, the statement shall be completed by an elected officer of the corporation. Such application shall be accompanied by true copies of any proposed or actual purchase agreement, bill of sale, promissory note, mortgage or other evidence of indebtedness which such applicant may incur or may have incurred as a result of the transfer. Such application shall also include a fiscal breakdown as to the cost of the vehicle(s), equipment, corporate stock, goodwill, contract rights and other intangibles included within the transfer. Among other things, the committee in its deliberations in the granting of such application, shall consider the reasonableness of the price the applicant shall have agreed to pay for a specified article or intangible. No value shall be attributed to the taxicab license to be transferred that is in excess of the proportion of the annual license fee remaining for the license year.

(b) Whenever taxicab licenses issued on or after October 1, 1995 are held by a corporation and the record of equitable ownership of stock of any such corporation is transferred, sold, pledged or otherwise assigned to new or different stockholders or whenever new or different directors, officers or managers are elected or appointed by any corporation holding a license as herein defined, such changes shall require the filing of an application for license in the manner provided by this chapter except that this provision shall not apply where the corporation's stock is publicly traded on a stock exchange.

(c) Failure to report any change in stockholders, officers or managers shall be grounds for the revocation of all licenses held by the corporation. Every corporation licensed under the provisions of this section shall adopt and maintain in its bylaws a provision that no transfer of stock is valid or effective unless approved by the city

council and shall require that all of its certificates of stock shall have printed on the face thereof: "the transfer of this stock certificate is invalid unless approved by the city council of Minneapolis, Minnesota," and failure to comply with this provision shall be grounds for the revocation of all licenses held by the corporation. The provisions of this section shall not apply to the issuance of any license to a corporation whose stock is traded on a public stock exchange.

(d) Licenses issued after October 1, 1995, may not be transferred. Such licenses remain the property of the City of Minneapolis, and must be surrendered to the ~~director~~ licensing official, upon cessation of operation in compliance with provisions of this ordinance.

Section 33. That Section 341.660 of the above-entitled ordinance be amended to read as follows:

341.660. Unauthorized acts. (a) No taxicab license shall be sold or transferred except as provided for in subsection 341.655(a).

(b) No taxicab licensed under this chapter shall be operated by any person other than a taxicab driver licensed under this chapter.

(c) No person shall change the color scheme, inscription or monogram of any licensed taxicab without approval of the ~~director of licenses and consumer services~~ licensing official.

(d) No licensed taxicab shall be used as a private vehicle at any time.

(e) No person or company or agent of a company shall make directly or indirectly any false claim stating or implying that any taxicab is licensed to operate in the City of Minneapolis when in fact such taxicab is not licensed in the City of Minneapolis.

(f) No taxicab vehicle shall be equipped with a citizen's band radio transmitter or receiver or any device capable of intercepting police, emergency or other taxicab companies' transmissions.

(g) No taxicab vehicle licensee shall lease its taxicab vehicle license to another, nor lease, contract out, assign, or delegate the responsibilities and beneficial interest of its taxicab business to another.

(h) No taxicab vehicle licensee shall lease or contract out the use of any taxicab except to the limited degree permitted by section 341.695

(i) No taxicab vehicle licensee shall operate or allow operation of a vehicle after it has been ordered out of service.

(j) No taxicab vehicle licensee shall allow a taxicab to be parked in a residential area in violation of section 478.240

(k) No wheelchair accessible taxicab vehicle licensee shall wait at any taxicab stand in the central business district until after 8:00 p.m. Used metro mobility vehicles providing wheelchair accessible service are not permitted to use taxicab stands, except those taxicab stands which allow access to medical service centers.

Section 34. That Section 341.670 of the above-entitled ordinance be amended to read as follows:

341.670. Revocation for unsatisfied judgments. Taxicab licenses may be revoked upon its appearing to the city council that any persons operating a taxicab or taxicabs in the City of Minneapolis shall have failed to pay, within thirty (30) days after its entry, the full amount of any final judgment for damage to property or persons resulting from the negligent operation, use or defective condition of any such taxicab. Upon the failure of any licensee who is a member of any association operating under a common color scheme, or any individual, firm, partnership or corporation, to pay any such judgment within such thirty-day period, the licenses of each and all of the members of such association, individual, firm, partnership or corporation shall be revoked. Any such revocation shall be noted on the taxicab license and, where such revocation is for failure to pay any such final judgment, upon all taxicab licenses operated by the person, firm, association, partnership or corporation failing to pay any such final judgment, together with a statement of the reason therefor, and thereafter the taxicab or taxicabs shall be considered unlicensed vehicles and shall not be operated upon the streets of the City of Minneapolis. When the license is revoked, notification of the same shall be forwarded to the ~~department and director~~ licensing official, and the taxicab or taxicabs shall not be allowed to operate thereafter. The ~~department~~ licensing official shall keep a complete record of each taxicab license issued and all renewals and revocations thereof.

Section 35. That Section 341.690 of the above-entitled ordinance be amended to read as follows:

341.690. Driver information required. Each owner of a taxicab shall, upon the request of the ~~director~~ licensing official, provide information pertinent to the employment status of any person operating the licensed vehicle. Such information shall include, but not be limited to, the owner's federal withholding account number and records of transactions made under such account, and the owner's unemployment insurance account number and records of transactions under such account. Each licensee shall respond to such request within ten (10) days. Failure to respond fully shall constitute cause for suspension or revocation of all licenses issued to the licensee.

Section 36. That Section 341.745 of the above-entitled ordinance be amended to read as follows:

341.745. Special discount rates. The ~~director~~ licensing official may authorize special rates lower than otherwise required in this chapter, upon written request from

any licensed service company. Such special rates shall apply to all taxicabs of that particular color scheme. Special rates may include, but shall not be limited to:

(a) A discount applicable to all metered fares on all rides originating in the City of Minneapolis;

(b) Special flat rates from point to point;

(c) Special flat rates, or a discount from the metered fare, from any point within the City of Minneapolis to a particular destination.

(d) Special event rates. At all times when special event rates are in effect a sign which reads "Special Event Rate" and indicating the rate to be charged, in letters no smaller than two (2) inches in height and not less than one-fourth-inch stroke, shall be prominently displayed in every taxicab. Discontinuance of any discount shall require a seven-day written notice to the ~~director~~ licensing official.

Section 37. That Section 341.770 of the above-entitled ordinance be amended to read as follows:

341.770. Agreed rates authorized. Nothing herein contained shall prevent any person from making an agreement with the operator of a taxicab to furnish transportation at a rate to be agreed upon by them for an hour, day, week, month or longer period, but the person with whom the operator of a taxicab makes such agreement shall not be permitted to hire out the vehicle to any other person. Each licensee operating a taxicab under this section shall file with the ~~department~~ licensing official a schedule of rates by time to be charged under such agreement. Such schedule of rates except as herein otherwise provided may be changed by filing an amended schedule. No licensee, driver or employee shall charge any other rate than that set forth in such schedule, and any deviation therefrom shall constitute a violation hereof.

Section 38. That Section 341.774 of the above-entitled ordinance be amended to read as follows:

341.774. Contract rates. Nothing contained herein shall prevent an operator of a taxicab licensed in Minneapolis from making a contractual agreement with a company, agency, or organization to furnish transportation for employees, associates, clients, customers, or members at a rate that is based on mileage, number of passengers, number of service hours, number of trips, number of passenger hours, weekly or monthly fees, or any other reasonable and calculable basis, irrespective of the mileage charges, minimum charges, and waiting charges contained in this article or the taxicab operator's filed rates for ordinary radio-dispatch, hail, and taxicab stand pick-up service. Such a contractual agreement that provides for rates that differ from the rates ordinarily charged by the taxicab operator must be a document that is legally executed by all parties and kept on file at the taxicab service company office subject to inspection at any reasonable time by the ~~director~~ licensing official or his designees.

Section 39. That Section 341.775 of the above-entitled ordinance be amended to read as follows:

341.775. Review of fares. (a) Taxicab fare rates shall be reviewed by the ~~director~~ licensing official annually. The maximum meter fare amounts for mileage charges herein established shall be subject to an automatic twelve-month adjustment effective each October first thereafter in a percentage equal to twelve-month changes in the Minneapolis Taxicab Cost Index, rounded to the nearest hundredth of one percent. The Minneapolis Taxicab Cost Index shall consist of a weighted combination of five (5) selected consumer price indexes as published by the United States Department of Labor, a total taxicab fleet size factor, and a license and inspection fee factor as calculated for the preceding twelve-month period ending on June thirtieth of that year. The composition of the Minneapolis Taxicab Cost Index shall be as specified in subsection (c) and the resulting calculation of any change to the maximum rate charge for each one-fifth (1/5) mile increment shall be rounded up to the next whole cent. Notification of the annual adjustment to the taxicab meter rate shall be made to all taxicab service companies at least thirty (30) days prior to taking effect.

(b) The initial maximum meter fare rates shall be equal to the rates that were in effect on February 28, 2009. The first automatic twelve-month adjustment to these rates as provided for pursuant to this section shall take effect October 1, 2010. The maximum percentage increase to the Minneapolis Taxicab Cost Index shall be capped at ten (10) percent for each twelve-month period unless the city council adopts a greater rate of increase by resolution. The maximum percentage decrease to the Minneapolis Taxicab Cost Index shall be capped at five (5) percent for each twelve-month period unless the city council adopts a greater rate of decrease by resolution.

(c) The Minneapolis Taxicab Cost Index shall be comprised of the following indexes and factors, which shall be weighted as indicated:

CPI and factors	Weighting
Midwest Region CPI-U (Consumer Price Index-Urban) Transportation Expenditure Category; (Series ID CUURO200SAT)	30%
National CPI-U Motor Vehicle Maintenance and Repair (Series ID CUUROOOOSETD)	10%
National CPI-U Motor Vehicle Parts and Equipment (Series ID CUUROOOOSETC)	10%
National CPI-U Motor Vehicle Insurance (Series ID CUUROOOOSETE)	10%
Midwest Region CPI-U All Consumers, all Items (Series ID CUUS0000SA0)	30%
Minneapolis taxicab fleet size, percentage change to total licensed fleet	8%
Minneapolis taxicab license and inspection fees, average of percentage changes to each	2%

Section 40. That Section 341.780 of the above-entitled ordinance be amended to read as follows:

341.780. Inspection of meters. The ~~department~~ licensing official shall examine at least two (2) times each calendar year all taximeters used on taxicabs in the city and, if approved, shall have placed thereon or attached thereto a device or seal indicating that such inspection and approval has been made. The ~~employees of the department~~ licensing official may stop at all reasonable times any taxicab operating on the meter basis and require the person in charge thereof to go to some convenient place for the purpose of making the examination herein required.

Section 41. That Section 341.790 of the above-entitled ordinance be amended to read as follows:

341.790. Defective or unsealed meters. No person shall drive or permit to be driven a taxicab equipped with a taximeter that does not bear the seal placed thereon by the ~~department~~ licensing official, or one that does not register or that registers inaccurately, or one on which the reading can be changed, altered or manipulated, except to clear the meter. No taxicab hired upon a meter basis shall be operated when a taximeter is broken and out of order, or the seal has been broken or tampered with, defaced or otherwise mutilated or for any reason does not currently register the fee charged.

Section 42. That Section 341.800 of the above-entitled ordinance be amended to read as follows:

341.800. Complaints about meters. When complaint is made to the ~~department~~ licensing official that any taximeter registers improperly or incorrectly, the ~~department~~ licensing official shall immediately examine and inspect such taximeter and every wheel, tire, gear shaft and other part of the mechanism which may affect the operation or control of such taximeter. The ~~department~~ licensing official shall seal all taximeters and date of examination and inspection thereof. In the event any taximeter becomes broken or has to be repaired or does not register correctly or the seal has been broken or tampered with, defaced or otherwise mutilated, the same shall be again inspected by the ~~department~~ licensing official and again sealed and a new record made of the subsequent inspection and sealing. A tolerance of two (2) per cent shall be allowed in tests of such meters. When it is necessary to recheck a sealed taximeter, the checker shall not be charged a fare for any such trip of inspection.

Section 43. That Section 341.910 of the above-entitled ordinance be amended to read as follows:

341.910. License fee. The annual fee for a service company license shall be one thousand one hundred dollars (\$1,100.00). Should service company records not be complete, properly on file in an orderly fashion, and available for review by the ~~department~~ licensing official at the time of the annual service company review, an

additional two hundred fifty dollar (\$250.00) re-inspection fee may be charged for each additional inspection required to complete the review.

Section 44. That Section 341.930 of the above-entitled ordinance be amended to read as follows:

341.930. License application. Every service company shall apply for a license on a form prescribed by the ~~director~~ licensing official, containing such information deemed necessary to verify that the terms and conditions of this chapter have been met.

Section 45. That Section 341.960 of the above-entitled ordinance be amended to read as follows:

341.960. Conditions. Every licensed service company shall:

- (a) Take affirmative measures to insure that all of its taxicab owners and drivers comply with the terms of this chapter;
- (b) Be responsible for the operation of an unlicensed taxicab and the operation of a taxicab by an unlicensed driver;
- (c) Insure that all trip sheets are filed and maintained in accordance with section 341.240
- (d) Insure that no taxicab vehicle is operated in unsafe mechanical condition, or with major body damage, or in any event after being ordered out of service by a license inspector; insure that all taxicabs are washed at least once a week pursuant to section 341.150
- (e) Be responsible to provide overall taxicab service to the public as required by section 341.290. Each service company shall keep accurate records indicating which of its licensed taxicabs and drivers are operating on each day, portion of a day, or shift. These records shall be filed and maintained for a minimum of one year and shall be available for inspection in the same manner as trip sheets;
- (f) Institute policies and procedures requiring all drivers to respond to radio dispatch calls;
- (g) If a request for service has not been answered within fifteen (15) minutes, the service company dispatcher shall order a taxicab to respond to the request immediately;
- (h) Promptly respond to all complaints by passengers, and other members of the public. Also, every service company shall refer all significant complaints

against individual taxicab owners and drivers to the ~~department of licenses and consumer services~~ licensing official;

- (i) Promptly respond to all requests for information from the ~~department of licenses and consumer services~~ licensing official;
- (j) Train and test all taxicab drivers regarding the traffic laws, ability to read and write the English language, the geography and street system of the areas serviced by its taxicabs, and the rules of conduct for taxicab drivers in this chapter.
- (k) In addition to the above conditions, every licensed wheelchair accessible taxicab service company shall maintain a computerized dispatch system to adequately respond to and maintain records of both on-demand and scheduled requests for service.
- (l) A licensee licensed to transport passengers in wheelchairs must provide training to each of its operators on the special needs of persons with disabilities. The operator shall also receive training on operating and maintaining vehicle accessible features. The training program is subject to approval by the city council. Every licensed service company shall provide drivers trained to transport handicapped individuals and to ensure that the licensee is providing the service required under this chapter.
- (m) Every licensed service company shall provide the ~~department~~ licensing official with written documentation detailing the specific safety equipment in section 341.597 that is required on all taxicabs in its fleet by December 1, 2004. This documentation shall include sufficient information on the specifications, type, and brand of safety equipment chosen to insure compliance with the taxicab safety book of standards.

Section 46. That Section 341.970 of the above-entitled ordinance be amended to read as follows:

341.970. Annual performance review. The ~~director~~ licensing official shall annually review the overall performance of each licensed service company, including but not limited to, a review of the level of compliance with the conditions prescribed in section 341.960. The annual review shall be conducted at least thirty (30) days prior to the license renewal date. The annual review may include a meeting between the ~~director~~ licensing official and the representatives of a licensed service company to discuss complaints and inspect records. The ~~director~~ licensing official shall report the results of each review to the committee, which shall consider such reports in determining whether to renew each service company license.

Section 47. That Section 341.975 of the above-entitled ordinance be amended to read as follows:

341.975. Service company reporting. (a) ~~Effective April 15, 1996, each~~ Each licensed service company shall, on a monthly basis, submit to the ~~department~~ licensing official a daily service report for each day of the preceding month that shall contain the following data:

- (1) Number of taxicabs in service in each twelve (12) hour shift.
- (2) The number of radio or telephone dispatched calls each taxicab took per shift.
- (3) Number of total fares in each shift for each taxicab in service.
- (4) The number of lost calls each day by time breakdown.
- (5) The total response time for each trip. This shall include and show a separate breakdown for the time the caller was on hold, the time between the call for service, and the time the order was bid on or assigned to a taxicab, the time between the dispatch of the call and the time of arrival of the taxicab, and the amount of the fare as well as the location of the service request call.
- (6) The average time each day by time period breakdown between the calls for service and the times of arrival of the taxicab by geographic areas to be determined by the ~~director~~ licensing official in consultation with the taxicab committee.
- (7) In addition to the above information, taxicab service companies providing wheelchair accessible service shall provide data on the number of scheduled and unscheduled rides provided by each licensed vehicle, the start and end city locations of each trip, and the response to each request for wheelchair accessible service.

(b) The form of the daily service records shall be in such format as is agreed upon by the ~~director~~ licensing official and the taxicab committee. Within one (1) year, each taxicab service company shall provide the taxicab committee with a business plan that would detail the cost and time necessary to provide the data above in a computerized format. Daily service reports for each month shall be submitted by each service company to the ~~director~~ licensing official no later than the fifteenth (15th) day of the subsequent month. Any licensed service company that fails to furnish such a daily service report in a timely fashion shall have its license suspended for a period not to exceed thirty (30) days after a hearing before the committee responsible for dealing with licensing issues.

(c) Taxicab service companies operating with less than fifteen (15) taxicabs shall supply the same information, but may do so in a non-computerized format.

(d) Beginning February 1, 2001, each taxicab service company shall report to the appropriate city council committee on an annual basis the progress it has made toward putting handicapped accessible vehicles into service as taxicabs in the city. Such report shall specify the steps taken to properly review this option, when such vehicles will be part of the fleet, and what the anticipated costs of such operation will be.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 347 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Tree Servicing.

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

Section 1. That Section 347.30 of the above-entitled ordinance be amended to read as follows:

347.30. Application for license. Any person desiring to engage in the business of tree servicing shall apply to the ~~director of licenses and consumer services, hereinafter referred to as director,~~ licensing official for a license. The application shall state the name and address of the applicant; whether applicant is an individual, partnership, firm or corporation; the number, make and style of vehicles to be used by the applicant in carrying on the business of servicing; and the names of the individual or individuals possessing the certification or educational degree required pursuant to section 347.35, and such application shall be accompanied by payment of the license fee.

Section 2. That Section 347.35 of the above-entitled ordinance be amended to read as follows:

347.35. ISA certification or Urban forestry or Arboriculturist degree required. All licensees shall employ an individual who possess current certification as an arborist from the International Society of Arboriculture (ISA) or post-secondary degree in urban forestry, arboriculturist, or an equivalent area of study, from an accredited institution of higher learning before a license will be issued to the applicant. An individual certified arborist, or urban forester or arboriculturist may not, at any time, be designated as the person in responsible charge of work by more than one (1) tree servicer. The certified arborist or urban forester or arboriculturist shall be responsible for property and tree protection, provide supervision of tree servicing, and comply with all applicable American National Standards for Arboricultural (ANSI) standards. Tree service licensees who obtained their license from the City of Minneapolis prior to the passing of this ordinance shall provide the name or names of the certified arborists or urban foresters or arboriculturist by December 31, 2008. In the event of a major storm

or other tree emergency, the ~~director~~ licensing official may, upon request by the Director of Forestry of the Minneapolis Park and Recreation Board, exempt tree servicers who are under contract with the board to provide removal of diseased or infested trees and stumps from the requirements of this section for services completed under such contracts.

Section 3. That Section 347.40 of the above-entitled ordinance be amended to read as follows:

347.40. Insurance required. No license or renewal shall be granted until the applicant shall first have filed with the ~~director~~ licensing official an insurance policy or certificate thereof issued by an insurance company authorized to do business in the State of Minnesota, insuring said applicant for at least one hundred thousand dollars (\$100,000.00) against liability for bodily injuries or death of any person not covered by workmen's compensation law, for at least three hundred thousand dollars (\$300,000.00) against liability for bodily injuries or death to more than one person from one (1) accident, and for at least one hundred thousand dollars (\$100,000.00) against liability for damage to or destruction of property in connection with or by reason of any type of tree servicing . Said policy shall provide that it may not be canceled by the insurer except after thirty (30) days' written notice to the ~~director~~ licensing official, and if such insurance is so canceled and the licensee shall fail to replace the same with another policy conforming to the provisions of this chapter, said license shall be automatically suspended until such insurance shall have been replaced. In addition, each license applicant shall also supply a certificate of insurance of workmen's compensation when such insurance is required by state statute.

Section 4. That Section 347.50 of the above-entitled ordinance be amended to read as follows:

347.50. Register of licenses required. The ~~director~~ licensing official shall keep a register of each license issued, the number thereof, the name of the licensee, the date when issued, the date of expiration, and any other data bearing upon the enforcement of this chapter.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 348 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Used Motor Vehicle Parts Dealer.

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

Section 1. That Section 348.40 of the above-entitled ordinance be amended to read as follows:

348.40. Insurance required. Each applicant for a license under this chapter shall file with the ~~department of licenses and consumer services~~ licensing official a public liability policy or certificate of insurance from a company authorized to do business in the State of Minnesota insuring the applicant against any and all liability occurring in or arising out of the operation of the business licensed under this chapter. The policy of insurance shall be in the limits of not less than one hundred thousand dollars (\$100,000.00) for injury or death to one (1) person, three hundred thousand dollars (\$300,000.00) for injury or death for each occurrence, and twenty-five thousand dollars (\$25,000.00) for property damage. The policy of insurance shall contain a provision stating that no termination, expiration or cancellation of that policy shall be effective without thirty (30) days' prior and separate written notice to the ~~department of licenses and consumer services~~ licensing official. Where required by state law, each applicant shall obtain a certificate of insurance for workers' compensation and shall file a copy of that certificate with the ~~department of licenses and consumer services~~ licensing official.

Section 2. That Section 348.50 of the above-entitled ordinance be amended to read as follows:

348.50. Bond required. Each applicant for a license under this chapter shall file with the ~~department of licenses and consumer services~~ licensing official a surety bond in the sum of five thousand dollars (\$5,000.00) conditioned on reimbursement to owners, including the city, for loss of or damage to any property where the loss or damage occurred in or arose out of the operation of the business licensed under this chapter and where the loss or damage was the result of the licensee's failure to comply with the provisions of this chapter or of the Minneapolis Code of Ordinances or of the Minnesota Statutes, including pollution control regulations. The surety bond shall

contain a provision stating that no termination, expiration or cancellation of that bond shall be effective without thirty (30) days' prior and separate written notice to the ~~department of licenses and consumer services~~ licensing official.

Section 3. That Section 348.60 of the above-entitled ordinance be amended to read as follows:

348.60. Application. Application for a license under this chapter shall be made on forms provided by the ~~department of licenses and consumer services~~ licensing official and shall contain such information as the ~~department~~ licensing official may require, including the following:

- (a) Name, date of birth, place of birth, and street address of the place where applicant resides.
- (b) Street addresses of places where applicant has resided during the five (5) years preceding the date of application.
- (c) Whether applicant has been convicted of any crime or ordinance violation for which a jail sentence could be imposed in the fifteen (15) years preceding the date of application, including the specific charge, date of conviction, place of conviction, and sentence for each such violation.
- (d) Whether applicant is a natural person, corporation, partnership or unincorporated association.
- (e) The street address and telephone number of the place where applicant proposes to operate the licensed business and the legal description of all real property proposed to be used in the licensed business.
- (f) Written reports from the zoning, fire, police and pollution control departments indicating whether they approve or disapprove of the application.

Section 4. That Section 348.120 of the above-entitled ordinance be amended to read as follows:

348.120. Written statement required. (a) Except as provided hereunder, no person licensed under this chapter shall buy, take or receive possession of any motor vehicle or motor vehicle parts without obtaining from the owner or possessor of such property a written statement describing the property as to model, manufacturer, make and year of manufacture, and identifying such owner or possessor by name, address, telephone number and driver's license number, which shall be verified by the licensee by demanding that all sellers present a State of Minnesota driver's license or State of Minnesota identification card. However, a driver's license number shall not be required where the seller is a government agency, an insurance company or another person licensed under this chapter. All such written statements shall be retained by the licensee

for a period of not less than three (3) years and shall be open to inspection at all reasonable times by the licensing official or any member of the police department ~~or any inspector of the department of licenses and consumer services.~~

(b) Those persons licensed under this chapter who are crushing, shredding or shipping motor vehicle hulks shall obtain the statement required by this section for each motor vehicle hulk purchased or received by the licensee but shall not be required to obtain the statement upon purchase or receipt of single motor vehicle parts.

Section 5. That Section 348.130 of the above-entitled ordinance be amended to read as follows:

348.130. Records, reports to police. Every person licensed under this chapter shall keep a book in which shall be clearly written in ink and in the English language an accurate description of each vehicle purchased or received, including license and serial numbers, the amount of money paid for the vehicle, and the name, residence address, driver's license number and description of the person selling or turning over possession of such vehicle. This information shall be recorded at the time the motor vehicle is received by the licensee and shall be retained by the licensee for a period of not less than three (3) years and shall be open to inspection at all reasonable times by the licensing official or any member of the police force ~~or any inspector of the department of licenses and consumer services.~~ In addition, each licensee shall mail an accurate and up-to-date list of the description of each vehicle received, including each vehicle's license and serial number, to the auto theft division of the Minneapolis Police Department not later than the first day of every month.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 349 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Wreckers and Tow Trucks.

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

Section 1. That Section 349.50 of the above-entitled ordinance be amended to read as follows:

349.50. Approval required for change of service vehicle; fee. Such license shall constitute a registration of the vehicle so licensed and no other vehicle may be used without the written approval of the ~~department of licenses and consumer services~~ licensing official. In the event the licensee during the license year desires to change the vehicle or vehicles so licensed, the licensee shall make application describing the new vehicle or vehicles to be used and upon payment of a fee for each replacement vehicle as established in Appendix J, License Fee Schedule, shall submit said application to the ~~department of licenses and consumer services~~ licensing official for approval. If such approval is obtained, license certificates shall be issued and affixed as provided for in section 349.200.

Section 2. That Section 349.60 of the above-entitled ordinance be amended to read as follows:

349.60. Application procedure, Class A. Application for a Class A service vehicle license shall be made upon forms provided by the ~~department of licenses and consumer services~~ licensing official which shall refer the application to the police license inspector. The police license inspector shall investigate the matters contained therein, and convey approval or disapproval of the application to the ~~department of licenses and consumer services~~ licensing official. The application shall contain among other things:

(a) A true and correct list of all contracted or otherwise used private property towing locations and persons with authority to sign tow order forms, and the ~~department of licenses and consumer services~~ licensing official shall be immediately notified in writing when changes occur therein.

(b) A record and establishment of reasonable fixed towing and fixed drop charges, which fixed charges shall be filed with the police license inspector's office, which office is to be notified immediately in writing as changes occur in such rate.

(c) A statement that there will be a storage lot or lots at which will be maintained an office on the premises for the release of motor vehicles; together with the exact location of such lot or lots with changes to be made known to the ~~department of licenses and consumer services~~ licensing official immediately in writing.

(d) A true and current list of the names and addresses of all drivers employed by licensee.

Section 3. That Section 349.65 of the above-entitled ordinance be amended to read as follows:

349.65. Application procedure, Class E. Application for Class E service vehicle license shall be made upon forms provided by the ~~department of licenses and consumer services~~ licensing official, whom ~~which department~~ shall investigate the matters contained therein, and convey approval or disapproval of the application ~~to the department of licenses and consumer services.~~ The ~~department of licenses and consumer services~~ licensing official shall not accept an application from any person, firm, corporation or association which has not been approved by the city council to be awarded a contract for Class E motor vehicle servicing under section 478.1055 of this Code. The application and renewal for Class E service vehicle license shall coincide with the contract date.

Section 4. That Section 349.70 of the above-entitled ordinance be amended to read as follows:

349.70. Bond, Class A. Class A licensees shall file a surety bond in the sum of ten thousand dollars (\$10,000.00) conditioned upon the proper handling and safekeeping of vehicles, accessories and personal property, and the guaranty of reimbursement to owners for loss. The surety bond shall not be canceled except upon thirty (30) days' prior notice in writing to the ~~department of licenses and consumer services~~ licensing official.

Section 5. That Section 349.110 of the above-entitled ordinance be amended to read as follows:

349.110. Records required, Class A. All Class A licensees shall have a book in which shall be clearly written in ink and in the English language at the time the service is completed: an accurate description of the services provided, the place where the service was provided or from which a vehicle was towed, the full name of the driver of the service vehicle, the license plate number of the motor vehicle serviced and the name and resident address of the person requesting or authorizing the service. All such books maintained by a licensee shall be open to inspection at all reasonable times by

the mayor, any member of the police force, or the licensing official ~~any inspector of the department of licenses and consumer services.~~

Section 6. That Section 349.130 of the above-entitled ordinance be amended to read as follows:

349.130. Driver registration permit required, Classes A and E. No person shall drive or operate a Class A or Class E service vehicle unless he or she has received a registration permit to do so issued by the ~~department of licenses and consumer services~~ licensing official. At all times when so engaged the driver shall carry this permit and exhibit it on demand to police officers, the licensing official ~~inspectors of the department of licenses and consumer services~~ or concerned citizens. This permit shall be issued to the applicant therefor upon completion of an application form prepared when approved by the ~~department of licenses and consumer services~~ licensing official. The application form shall include the applicant's full and true name, date of birth, residence, and police record, if any. Upon completion of this application it shall be referred for investigation to the police license inspector, who will arrange for fingerprinting, photographing, and the issuance of a permit if deemed appropriate, unless such inspector shall report to the ~~department of licenses and consumer services~~ licensing official a recommendation that the permit not be issued. A permit, when issued, shall include a permit number recorded by the ~~department of licenses and consumer services~~ licensing official and shall be presented to the applicant upon payment of a fee as established in Appendix J, License Fee Schedule. Such permit shall remain effective for one (1) year provided the permit holder possesses a valid driver's license and is employed by a person licensed under this chapter. The annual renewal fee and fee for a duplicate license shall be as established in Appendix J, License Fee Schedule.

Section 7. That Section 349.160 of the above-entitled ordinance be amended to read as follows:

349.160. Application procedure, Class B, C or D. Application for Class B, C or D license shall be made to the ~~department of licenses and consumer services~~ licensing official on forms provided by the licensing official ~~by such department~~. Such forms shall contain, among other things, the name or names of the owners and operators, their respective resident addresses and home phone numbers, the name under which the business is to be conducted and the address where the business is to be located. The application shall also contain a current schedule of minimum charges to be made for service calls where service is for any reason not provided. Immediate notification of any changes in the minimum fees schedule shall be made to the ~~department of licenses and consumer services~~ licensing official.

Section 8. That Section 349.170 of the above-entitled ordinance be amended to read as follows:

349.170. Equipment. No service vehicle shall be licensed until it has been thoroughly and carefully examined by the ~~department of licenses and consumer services~~ licensing official or ~~authorized representative thereof~~, and found to comply with the following:

(a) To be thoroughly safe for the providing of any of the types of services described in the classifications in this section.

(b) To be equipped with a 2A10BC or larger fire extinguisher, as approved by the fire marshal, properly charged and in good working order at all times.

(c) To be clean in appearance and well-painted.

(d) To have the operating name, address and telephone number affixed in a permanent manner on the outer side of each of the front doors of the vehicle or on the side of the vehicle in letters of not less than three (3) inches in height.

Section 9. That Section 349.240 of the above-entitled ordinance be amended to read as follows:

349.240. Insurance. Each applicant for a Class A, B, C, D or E license under this chapter shall file with the ~~department of licenses and consumer services~~ licensing official a public liability policy or certificate of insurance from a company authorized to do business in Minnesota insuring the applicant against any and all liability incurred in the use or operation of the vehicle licensed under this chapter, including the providing of any motor vehicle service defined in section 349.10. The policy of insurance shall be in the limits of not less than:

(a) For a Class A or B license, one hundred thousand dollars (\$100,000.00) for injury or death to one person, three hundred thousand dollars (\$300,000.00) for injury or death from each occurrence and twenty-five thousand dollars (\$25,000.00) for property damage;

(b) For a Class C or D license, twenty-five thousand dollars (\$25,000.00) for injury or death to one person, fifty thousand dollars (\$50,000.00) for injury or death from each occurrence, and ten thousand dollars (\$10,000.00) for property damage or fifty thousand dollars (\$50,000.00) personal injury and ten thousand dollars (\$10,000.00) property damage combined single limit;

(c) For a Class E license, the policy of insurance shall be in the limits of not less than those specified in the City of Minneapolis contract awarded to the licensee.

Section 10. That Section 349.250 of the above-entitled ordinance be amended to read as follows:

349.250. License fee for Class B, C and D. The Class B, C, and D license fees shall be as established in Appendix J, License Fee Schedule. Notwithstanding the preceding sentence:

(a) A service station licensed under Chapter 287 of this Code may license one vehicle in either Class B or Class C and no fee shall be paid, but each additional vehicle shall be licensed within its appropriate class and the fee shall be paid accordingly.

(b) Service vehicles which are licensed in other municipalities under the provisions of a licensing and regulatory ordinance whose requirements and restrictions are equal to the provisions hereunder may be licensed to operate within the City of Minneapolis upon filing proof with the ~~department of licenses and consumer services~~ licensing official, and no fee shall be paid; provided, that the terms of such municipality's licensing ordinance contain the same privileges, responsibilities and mutual reciprocities as are herein provided.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 13, Chapter 350 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Recycling Activities and Salvage Yards.

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

Section 1. That Section 350.30 of the above-entitled ordinance be amended to read as follows:

350.30. Application. Any person desiring to use property as a recycling or salvage yard shall make application to the ~~department of licenses and consumer services~~ licensing official for each location. Such application shall include the name and address of the applicant and each officer if the applicant is a corporation or each partner if the application is for a partnership, the description of the land to be used, and either evidence of the ownership by the applicant or written permission of the owner to so use the land, and such other information as requested by the director of regulatory services.

Section 2. That Section 350.50 of the above-entitled ordinance be amended to read as follows:

350.50. Violations of this chapter; administrative penalties; fines; revocation; reinspection fees. Any person found in violation of this chapter may be subject to penalties including administrative fines, and/or action to suspend, revoke or deny any current or future licenses. In addition to any other administrative action, a reinspection fee of one hundred dollars (\$100.00) shall be assessed for subsequent inspections, when orders are not complied with, within the specified time frame. All such action initiated under this section shall comply with due process considerations. All actions initiated by the ~~department of licensing and consumer services~~ licensing official are subject to review by the city council.

Section 3. That Section 350.80 of the above-entitled ordinance be amended to read as follows:

350.80. Inspections. A recycling or salvage yard licensed pursuant to this chapter shall be subject to inspection at any time by the ~~director of regulatory services~~

~~or the director's agents~~ licensing official or any other code enforcement official, agent or inspector of the city to enforce the provisions of this chapter.