

TITLE 3. LICENSING AND REGULATIONS

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Chapter 300 - Circus, Carnivals, Shows and Other Entertainment

- 300.01 License Required.** No person, firm or corporation shall give or maintain any show or public entertainment, circus, carnival, game, or concert to which an admission is charged without securing a license therefor; provided, no license shall be necessary for any entertainment of any kind given by amateurs or in which the performers do not receive any pay or which is given for the benefit of any school, church, benevolent institution, non-profit organization or charitable purposes.
- 300.02 Application.** Application for such license shall be made to the City Administrator and shall state the nature of the entertainment, the time and place thereof.
- 300.03 Issuance.** On authorization by the Council, and after fixing the license fee therefor, the Administrator shall issue such license.
- 300.99 Penalty.** Any person violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in §100.99.

Chapter 310 - Junkyards

- 310.01 Purpose.** It is hereby found that the operation of a motor vehicle, agricultural, construction machinery or other junk yards adjacent to public rights-of-way are unsightly, thus impairing the public investment in such rights-of-way. It is hereby found and declared that in the interest of and to protect the public investment and to preserve natural beauty, it is necessary to regulate the operation of junk yards on land adjacent to the public rights-of-way.
- 310.02 Definitions.** Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this chapter.
 - (A) “Person” shall mean any person, firm, partnership, association, corporation, company or organization of any kind.
 - (B) “Junk” shall mean old or scrap copper, brass, rope, rags, batteries, paper, synthetic or organic, trash, rubber, debris, waste or junked, dismantled or wrecked automobiles or

farm or construction machinery or parts thereof, iron, steel and other old or scrap ferrous and nonferrous material.

- (C) “Junkyard” means an establishment, place of business or place of storage or deposit which is maintained, operated or used for storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard and shall include garbage dumps and sanitary fills not regulated by the Minnesota Pollution Control Agency, any of which are wholly or partly within ½-mile of any rights-of-way, whether maintained in connection with another business or not, where waste, body or discarded material stored is equal in bulk to five or more motor vehicles and which are to be resold for used parts or old iron, metal, glass or other discarded material.
- (D) “Junk dealer” shall mean any person, partnership or corporation engaged in the operation of a junkyard.
- (E) “Auto graveyard” shall mean any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

310.03 License Required.

- (A) No person, firm or corporation shall engage in the occupation of junk dealer or operate a junkyard, as defined above, without first having secured a license in a manner hereinafter set forth.
- (B) A junk dealer who operates more than one junk yard within the city shall be required to have a separate license in effect for each yard.

310.04 Application.

- (A) Applicants desiring to secure a license shall make a written application to the City Administrator, upon forms supplied by the city, accompanied with a fee as set by the City Council.
- (B) Applications for a junk yard license shall be filed with the City Administrator and shall be reviewed and subject to approval by the majority vote of the City Council within 60 days of the application date.

310.05 General Operating Requirements. The following general operating requirements shall apply to all junk dealers and junkyards licensed in accordance with the provisions of this chapter:

- (A) The junkyard, together with things kept therein, shall at all times be maintained in a sanitary condition.
- (B) No space not covered by the license shall be used in the licensed business.
- (C) No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises.
- (D) Storage of junk shall not exceed eight feet in height from the ground and shall be arranged to permit easy access to all junk for firefighting purposes.

- (E) As determined by the Fire Chief, no combustible materials of any kind not necessary or beneficial to the licensee's business shall be kept on the premises or be allowed to become a fire hazard.
- (F) The licensee shall at all times retain on file after the passage of this chapter and shall permit inspection, by the City Administrator or designee, or a police officer, of the following:
 - (1) A copy of the Bill of Sale or Title Card, with motor vehicle serial number contained thereon, for each motor vehicle purchased by the licensee;
 - (2) The name, address and telephone number of each person who has sold a motor vehicle to the licensee and attached thereto or filed therewith shall be the license number of the vehicle, in addition to the foregoing. Information shall be filed containing the description, license number and serial number of the vehicle that was sold to the licensee. All information contained in this section shall be maintained on the premises for six months following disposition.
- (G) No junkyard shall be allowed to become a nuisance; no junk yard shall be operated in such a manner as to become injurious to the health, safety, natural resources or welfare of the community or of any residents close by.
- (H) No fires shall be permitted within the automobile junk yard.

310.06 Initial License Fees and Requirements. The initial fee to be paid for any junkyard license shall be as established from time to time by ordinance of the Council, and in addition, the following requirements shall be met:

- (A) Within 60 days following the issuance of the junkyard license, the property owner shall fence the premises pursuant to the requirements of this chapter. An extension of 30 days renewable up to a six-month period, may be allowed for a just cause;
- (B) Junk cars shall be kept only in enclosed buildings or in automobile graveyards, which are adequately fenced by an eight-foot solid fence, the structure and placement of which shall be approved by the City Council in accordance with the zoning ordinance. The fencing shall be on all sides abutting private property or public roadways and shall be kept in good repair at all times, as determined by the City Council or its authorized representative.

310.07 Renewal of License and Requirements. The annual renewal fee for any license shall be as established from time to time by ordinance of the Council.

310.08 Inspections.

- (A) The City Administrator or designee shall inspect the junkyard of all junk dealers licensed under this chapter at least once a year to determine whether such yards are being operated in accordance with the provisions of this chapter and other applicable provisions of the law. One such inspection must have been within two months prior to renewal of any junkyard license.

- (B) The licensee shall permit inspection of the business premises by the City Administrator or designee.

310.09 Transferability. No license issued under this chapter shall be transferred or used by any person other than the one to whom it was issued, except upon the approval of the City Council. As a prerequisite to said approval, the transferee must meet all qualifications required by this chapter or the original license. No junk dealer license shall be valid except at the approved location.

310.10 Granting, Denial, Renewal or Revocation of License. The City Council may revoke or suspend the license of any junk dealer when it finds any of the following:

- (A) That the licensee or any of his or her employees or agents have concealed the receipt of stolen property or have knowingly received stolen property;
- (B) That the licensee has failed to comply with the provisions of this chapter or any other law to the premises, equipment or operation of the licensed business;
- (C) That the licensee has obtained his or her license through fraud or misstatement;
- (D) That the licensed business or activity is being conducted in a manner found to be detrimental to the health, safety, natural resources or general welfare of the public or is a nuisance or is being operated or carried on in any unlawful manner.

310.11 Compliance. Any person acting as a junk dealer within the City of Princeton on the effective date of this chapter shall have a period of six months after such effective date to comply with the provisions of the chapter.

310.99 Penalties. Any person or persons, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by §100.99. Each day that the violation is permitted to exist hereunder shall constitute a separate offense.

Chapter 320 - Garbage Haulers

320.0 Definitions. The following words and phrases, when used in this chapter, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section.

- (A) “City” means the City of Princeton, Minnesota.
- (B) “Collection” means the aggregation of waste from the place at which it is generated and includes all activities up to the time when the waste is delivered to a waste facility.
- (C) “Collector(s)” means any person(s) who owns, operates, or leases vehicles for the purposes of collection and transportation of any type of mixed municipal solid waste and/or recyclables.
- (D) “Garbage” means any animal and vegetable waste, as well as discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

- (E) “Recyclable materials” means materials that are separated from mixed municipal solid waste by the generator and includes all items of refuse designated by Mille Lacs County and Sherburne County to be part of an authorized recycling program and which are intended for transportation, processing and manufacturing or reuse. These materials include newsprint, corrugated cardboard, office paper, magazines, glass-all colors, tin containers, aluminum containers and polyethylene terephthalet (PET) and high-density polyethylene (HDPE) plastic that is separated from solid waste for the purpose of recycling. The materials are considered to be recyclable materials if appropriate markets exist that will accept these recyclable materials.

320.02 License Required.

- (A) It is unlawful for any person to haul garbage and recyclable materials without the appropriate license issued by the city under this chapter unless the person is hauling for his or her own residence or commercial establishment for disposal at another location with the written approval of the property owner.
- (B) Each license shall be applied for, issued and renewed and may be suspended or revoked, as provided by this chapter, and each license shall comply with all applicable requirements of this chapter.
- (C) Haulers collecting garbage and recyclable materials from residential areas, commercial establishments, multiple dwellings and/or mobile home parks must be licensed.

Penalty, see § 320.99

320.03 Application for License.

- (A) Any person, firm or corporation desiring a license to collect garbage and recyclable materials shall make application for the same to the city upon a form described by the city. The applicant shall provide for the city the following information:
- (1) The name and address of the applicant;
 - (2) A list of equipment which the applicant proposes to use in such collection;
 - (3) The place or places to which the garbage and recyclable materials is to be hauled;
 - (4) The manner in which said garbage and recyclable materials is to be disposed of;
 - (5) Provide proof of Mille Lacs/Sherburne County permit.
- (B) Before license is issued, the applicant shall file with the city evidence that the applicant has in effect insurance in at least the amount of \$600,000.00 per occurrence, \$600,000.00 aggregate public liability and \$600,000.00 combined single limit automobile liability.
- (C) When the application is submitted, the applicant shall file with the city a schedule of proposed rates to be charged during the licensed period. Every licensee shall provide 30

days' prior written notification to the city and the licensee's customers of any change in rates to be implemented during the licensed period.

- (D) At the time the application is submitted, the applicant shall pay to the city a license fee in an amount per year (no prorating) as established from time to time by ordinance of the Council.
- (E) No license issued shall be for a longer period than one year and all licenses shall expire on December 31 of each year.
- (F) Licenses may be suspended or revoked by the Council, after the licensee has been given a reasonable notice and an opportunity to be heard, for the violation of any provisions of this chapter or for the violation of any condition or restriction in the motion granting the license or any motion passed by the Council or upon failure of the licensee to comply with any condition, order or direction issued by the city.
- (G) No license may be transferred or sold.

320.04 Requirements and Restrictions.

- (A) All licensees shall comply with all of the following requirements and restrictions:
 - (1) All haulers operating on a route in a residential district shall operate vehicles on city streets within the weight allowed by Minnesota State Statutes;
 - (2) Persons may haul garbage and recyclable materials from their own residence, multiple dwelling or commercial establishment if hauled in containers which are water-tight on all sides and at the bottom and have tight-fitting covers on top, and if hauled in vehicles with leak-proof bodies which do not permit the loss of cargo;
 - (3) Recyclable materials shall be disposed of at a recycling facility, an organized recyclable drive or through another licensed hauler;
 - (4) Each vehicle for which a hauler's license is issued shall exhibit a copy of such license in a prominent position on the vehicle;
 - (5) Each of these licensed collectors should include either a covered tank-truck or wagon so constructed that the contents will not leak or spill therefrom and in which all garbage collected by them shall be conveyed to the place designated in their application. The wagon or conveyance used shall be kept clean and as free from offensive odors as possible and shall not be allowed to stand in any street, alley or public place longer than is reasonably necessary to collect garbage.
- (B) The following collection times shall be abided to:
 - (1) No residential pick up may be conducted before 6:00 a.m. or after 6:00 p.m. on any day, except in an emergency and City Hall must be notified as soon as possible (same or next working day);
 - (2) No residential pick up may be conducted on Sunday;

- (3) No pick up of any kind may be conducted on the holidays of New Year's Day, Thanksgiving Day and Christmas Day;
 - (4) All residential pick up must be conducted Monday through Friday as designated pursuant to the Garbage Pick Up Zone Map which is made a part hereof, and as may be amended from time to time.
- (C) All licensees shall provide the City Council, to be placed and filed at City Hall, the materials used to educate and promote recycling to customers.
- (D) All licensees shall provide to City Council, to be placed on file, written policies on the disposal of the following items: fluorescent bulbs, jagged sharp objects (needle-like), appliances, mattresses and box springs, Christmas trees and other household items.

320.05 Reduction in Waste. Each licensed collector or hauler of garbage and recyclable materials shall be required to provide for curbside recyclable material collection as pursuant to the guidelines established by Minnesota State Statutes with reference to the recycling of total solid waste generation from January 1, 1990.

320.99 Penalty.

- (A) In accordance with the provisions of this chapter, it is unlawful for any person, firm, or corporation to fail to properly dispose of collected mixed municipal solid waste.
- (B) Any licensed hauler violating any provision of this chapter is guilty of a misdemeanor and shall be punished as provided by §100.99. Upon a violation, a hauler may have their license suspended or revoked for cause by the Council.

Chapter 330 - Recycling Facilities

330.01 Definitions. Unless specifically altered, terms and abbreviations used in this chapter shall be interpreted in a manner consistent with M.S. Chs. 115, 115A, 116, and 400, as they may be amended from time to time. Terms and abbreviations used herein which are not specifically defined by law shall be construed in accordance with the context and professional usage.

- (A) "Licensee" means a person who has been issued a license by the city for recycling purposes pursuant to this chapter.
- (B) "Person" means any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association or other organization, any receiver, trustee, assignee or other legal representative of any of the foregoing or any other legal entity.
- (C) "Recyclable materials" means materials that are separated from mixed municipal solid waste by the generator for the purpose of recycling, including paper, plastic, glass, metals, automobile oil and batteries.

- (D) “Recycling facility” means a facility where recyclable materials are purchased from generators or collectors, processed for marketing or loaded into vehicles for transport to market.

330.02 Recycling Facilities.

- (A) No recycling facility shall be constructed, established, maintained or operated (even temporarily from a truck or motor vehicle) unless the operator or owner thereof has first been issued therefore a license from the City of Princeton and the County of Mille Lacs and/or County of Sherburne. The recycler shall meet all requirements for obtaining a license. The application shall include three sets of complete plans, specifications, design data and ultimate land use plans. The applicant shall procure a proper zoning permit to accompany the application if required by the city.
- (B) The city shall refuse to issue a license for any recycling operation which does not comply with this chapter.
- (C) The city shall revoke a license for any recycling operation which does not comply with this chapter and any applicable state and county laws, ordinances and rules.
- (D) Where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter or any other applicable law, ordinance or rule (including, but not limited to Minnesota Pollution Control Agency, Environmental Protection Agency or any other state or federal agency's requirements), the provision which establishes the higher standards for the promotion of public health, safety and general welfare shall prevail.
- (E) A record of every license issued for a recycling facility shall be filed in the office of the City Administrator.

330.03 Requirements for Operation. Application for a license shall contain the following:

- (A) Location, size and ownership of land upon which the operation will be situated;
- (B) General description of property used in the immediate vicinity of the operation;
- (C) Complete construction plans and specifications and proposed operating procedures for the operation;
- (D) All recyclable materials must be accepted by the facility;
- (E) A notarized affidavit stating that the applicable local governments have been given 30 days' written notification of the pending application for a license;
- (F) A sign shall be posted on the premises indicating the name of the operation and the days and hours during which it is open to the public;
- (G) Sanitary facilities and shelter adequate for employees shall be provided on the premises;

- (H) Records shall be maintained indicating the type and quantity of recyclable materials processed by the operation;
- (I) The premise entrances and exits shall be maintained in a clean, neat and orderly manner at all times;
- (J) Proof of insurance satisfactory to the city shall be provided;
- (K) Each licensed operation shall on a quarterly basis, or at any time upon reasonable notice during the license term and upon the issuance of a license renewal, provide to the city verifiable volume and/or tonnage summaries of collected recyclable materials. This is necessary in order to track collection performance and to comply with Mille Lacs and Sherburne Counties and the Minnesota state reporting requirements.

330.04 Fee. The license period shall be January 1 through December 31 of each year. The license fee per year shall be as follows:

- Resident (fixed structure/facility): as established from time to time by Council ordinance.
- Non-resident (mobile unit): as established from time to time by Council ordinance.

330.99 Penalty. Any person, persons, firm, or corporation violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by §100.99. Each day that a violation is permitted to exist shall constitute a separate offense.

Chapter 340 - Taxi-Cabs

340.01 Definitions.

- (A) “Taxi-cab” means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of no more than seven passengers and not operated on a fixed route. Also, it may include the carrying of small parcels and packages.
- (B) “Street” means a thoroughfare which affords a principal means of access to abutting property and which has been accepted by the city as a public street.
- (C) “Taxi-cab driver” means any person who drives a taxi-cab, whether such person be the owner of such taxi-cab or be employed by a taxi-cab owner or operator.
- (D) “Operator” means any person owning or having control of the use of one or more taxi-cabs used for hire upon the streets or engaged in the business of operating a taxi-cab within the city.

340.02 License Required.

- (A) No person shall operate a taxi-cab within the city limits without first having obtained a taxi-cab license thereof under the provisions of this chapter.

(B) Each applicant for a taxi-cab license shall apply to the City Administrator for such license upon a form to be provided by the city and must comply with the following provisions of the City Council:

- (1) Applicant shall be a citizen of the United States;
- (2) Applicant shall be of the age of 18 years or over, and in the case of any co-partnership, firm or corporation must be authorized to operate taxi-cab and carry on business in accordance with the laws of the State of Minnesota.

340.03 Taxi-Cab Fees. The applicant for a taxi-cab license shall, before being issued said license, pay into the City Treasury the fee as established from time to time by ordinance for each taxi cab. The fee shall be returned to the applicant if for any reason the license is denied.

340.04 Examination of Taxi-Cabs.

- (A) The Chief of Police or designee shall annually inspect each vehicle.
- (B) Taxi-cab vehicles shall be in a thoroughly safe condition for the transportation of passengers.
- (C) Taxi-cab vehicles shall be clean and in good appearance.
- (D) The Council may order examinations and tests of licensed taxi-cabs at any time it may deem advisable.

340.05 Taxi-Cab Drivers. No person, either the operator or employee of such operator, shall drive a taxi-cab within the City of Princeton without first having the proper Minnesota state driver's license for transporting passengers for hire and without having such license upon his or her person.

340.06 Taxi-Cab Stands.

- (A) The City Council, by ordinance, may designate certain portions of the city streets to be used and known as public taxi-cab stands and may change, modify or eliminate such as public taxi-cab stands. All portions of the city streets so designated shall be plainly marked and no vehicles other than licensed taxi-cabs shall park there. The City Council, by ordinance, from time to time, may designate which taxi-cab licensee or licensees may use any particular stand and may eliminate, modify or change any or all such designations at any time.
- (B) No taxi-cab shall park within 30 feet of any crosswalk unless such portion of the street has been designated a taxi-cab stand.

340.07 Fares.

- (A) The City Council, may, by ordinance, regulate minimum and maximum taxi-cab fares for all taxi-cabs licensed under this chapter, and such regulated fares shall take effect ten days after the City Administrator has mailed copies of the ordinance regarding the fares to all taxi-cabs licensees. In the event that the Council does not set fares, each licensee shall file, with the city, a schedule of the rates to be charged in the operation of his or her

licensed taxi-cab. Such schedule of rates may be amended by the licensee at any time by filing with the city an amended schedule.

- (B) No licensee, driver or employee shall charge any other rate for the carrying of passengers in any licensed taxi-cab than that set forth in the schedule set by the Council or on file with the Administrator, and any deviation from such schedule shall be considered a violation of this chapter.

340.08 Insurance. Before a license shall be delivered to any operator, he or she shall deposit with the City Administrator a policy or policies of any insurance company or companies duly licensed to transact such business in this state, insuring the operator of any taxi-cab to be licensed against loss and the liability imposed by law for damages on account bodily injuries or death or for damages to property resulting from the ownership, maintenance or use of any taxi-cab to be owned or operated under such license and agreeing to pay any judgment creditor to the extent of the amount specified in such policy and final judgment rendered against the insured by reason of such liability. The policy or policies shall be approved by the City Attorney as to form and compliance with this chapter. The limit in any such insurance policy of such liability of the insurer on account of ownership, maintenance and use of such taxi-cab shall not be less than \$100,000.00 for bodily injuries to or death of one person and \$300,000.00 on account of any one accident resulting in injuries to and/or death of more than one person and a total of \$50,000.00 liability for damage to property of others arising out of any one accident.

340.99 Penalty for Violations. Any person violating the provisions of this chapter shall be guilty of a misdemeanor and shall upon conviction thereof be punished as provided in § 100.99.

Chapter 350 - Tobacco Regulations *Rev. 8-28-14; Ord. 710*

350.01 Purpose and Intent. Because the city recognizes that many persons under the age of 18 years purchase or otherwise obtain, possess and use tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products and tobacco related devices and the sales, possession and use are violations of both state and federal laws; and because studies, which the city hereby accepts and adopts, have shown that most smokers begin smoking before they have reached the age of 18 years and that those persons who reach the age of 18 years without having started smoking are significantly less likely to begin smoking; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this chapter shall be intended to regulate the sale, possession and use of tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products and tobacco related devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products and tobacco related devices and to further the official public policy of the state in regard to preventing young people from starting to smoke as stated in M.S. §144.391, as it may be amended from time to time.

350.02 Definitions. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (A) “Compliance checks” means the system the city uses to investigate and ensure that those

authorized to sell tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products and tobacco related devices are following and complying with the requirements of this chapter. "Compliance checks" shall involve the use of minors as authorized by this chapter. "Compliance checks" shall also mean the use of minors who attempt to purchase tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products, or tobacco related devices for educational, research and training purposes as authorized by state and federal laws. "Compliance checks" may also be conducted by other units of government for the purpose of enforcing appropriate federal, state or local laws and regulations relating to tobacco, tobacco products and tobacco related devices.

- (B) "Electronic Delivery Device" means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking by delivery of nicotine or any other substance through inhalation of vapor from the product, including any component part of an electronic delivery device, whether or not it is sold or marketed separately.
- (C) "Individually packaged" means the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include but not be limited to single cigarette packs, single bags or cans of loose tobacco in any form and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this definition shall not be considered individually packaged.
- (D) "Loosies" means the common term used to refer to a single or individually packaged cigarette.
- (E) "Minor" means any natural person who has not yet reached the age of 18 years.
- (F) "Moveable place of business" means any form of business operated out of a truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.
- (G) "Nicotine or Lobelia Delivery Products" means any product containing or delivering nicotine or lobelia intended for human consumption (or any part of such product) that is not tobacco or an electronic delivery device.
- (H) "Retail establishment" means any place of business where tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products, or tobacco related devices are available for sale to the general public. The phrase shall include but not be limited to grocery stores, convenience stores and restaurants.
- (I) "Sale" means any transfer of goods for money, trade, barter or other consideration.
- (J) "Self-service merchandising" means open displays of tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products, or tobacco related devices in any manner where any person shall have access to the tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products, or tobacco related devices, without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention shall entail the actual physical exchange of the

tobacco, tobacco product, electronic delivery devices, nicotine or lobelia delivery products, or tobacco related device between the customer and the licensee or employee. The phrase shall not include vending machines. Self-service sales are interpreted as being any sale where there is not an actual physical exchange of the tobacco between the clerk and the customer.

- (K) “Tobacco” or “tobacco products” includes electronic delivery devices, nicotine or lobelia delivery products , commonly called an electronic cigarette or an E-Cigarette and any substance or item containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, fine cut or other chewing tobacco, cheroots, stogies, perique, granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco, snuff flowers, cavendish, shorts, plug and twist tobaccos, dipping tobaccos, refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco leaf prepared in a manner as to be suitable for chewing, sniffing or smoking.
- (L) “Tobacco related devices” includes electronic delivery devices, nicotine or lobelia delivery products , commonly called an electronic cigarette or an E-Cigarette and any tobacco product as well as a pipe, rolling papers or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing or smoking of tobacco or tobacco products.
- (M) “Vending machine” means any mechanical, electric or electronic, or other type of device which dispenses tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery product, or tobacco related devices upon the insertion of money, tokens or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco product or tobacco related device.

350.03 License.

- (A) **License required.** No person shall sell or offer to sell any tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products, or tobacco related device without first having obtained a license to do so from the city.
- (B) **Application.** An application for a license to sell tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products or tobacco related devices shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought and any additional information the city deems necessary. Upon receipt of a completed application, the City Administrator shall forward the application to the City Council for action at its next regularly scheduled City Council meeting. If the City Administrator shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.
- (C) **Action.** The City Council may either approve or deny the license, or it may delay action for a reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the City Council shall approve the license, the City Administrator shall issue the license to the applicant. If the City Council denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the City Council's decision.

- (D) **Term.** All licenses issued under this chapter shall expire on December 31 of each year.
- (E) **Revocation or suspension.** Any license issued under this chapter may be revoked or suspended as provided in §350.99.
- (F) **Transfers.** All licenses issued under this chapter shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the City Council.
- (G) **Moveable place of business.** No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this chapter.
- (H) **Display.** All licenses shall be posted and displayed in plain view of the general public on the licensed premise.
- (I) **Renewals.** The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current license.
- (J) **Issuance as privilege and not a right.** The issuance of a license issued under this chapter shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

Penalty, see § 350.99

350.04 Fees. No license shall be issued under this chapter until the appropriate license fee shall be paid in full. The fee for a license under this chapter shall be established from time to time by Council ordinance.

Penalty, see § 350.99

350.05 Basis for Denial of License.

- (A) Grounds for denying the issuance or renewal of a license under this chapter includes but is not limited to the following:
 - (1) The applicant is under the age of 18 years;
 - (2) The applicant has been convicted within the past five years of any violation of a federal, state or local law, ordinance provision or other regulation relating to tobacco or tobacco products, electronic delivery devices, nicotine or lobelia delivery products or tobacco related devices;
 - (3) The applicant has had a license to sell tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products or tobacco related devices revoked within the preceding 12 months of the date of application;
 - (4) The applicant fails to provide any information required on the application or provides false or misleading information;

- (5) The applicant is prohibited by federal, state or other local law, ordinance or other regulation from holding a license.
- (B) However, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the city must deny the license.
- (C) If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this chapter.

Penalty, see § 350.99

350.06 Prohibited Sales. It shall be a violation of this chapter for any person to sell or offer to sell any tobacco, tobacco product, electronic delivery devices, nicotine or lobelia delivery products or tobacco related device:

- (A) To any person under the age of 18 years;
- (B) By means of any type of vending machine, except as may otherwise be provided in §350.07;
- (C) By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premises in order to receive the tobacco, tobacco product, electronic delivery devices, nicotine or lobelia delivery products or tobacco related device and whereby there is not a physical exchange of the tobacco, tobacco product, electronic delivery devices, nicotine or lobelia delivery products or tobacco related device between the licensee, or the licensee’s employee, and the customer;
- (D) By means of loosies, as defined in §350.02;
- (E) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana or other deleterious, hallucinogenic, toxic or controlled substances, except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. It is not the intention of this provision to ban the sale of lawfully manufactured cigarettes, electronic delivery devices, nicotine or lobelia delivery products or other tobacco products;
- (F) By any other means, to any other person on in any other manner or form prohibited by federal, state or other local law, ordinance provision or other regulation.

Penalty, see § 350.99

350.07 Vending Machines. It shall be unlawful for any person licensed under this chapter to allow the sale of tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products or tobacco related devices by the means of a vending machine unless minors are at all times prohibited from entering the licensed establishment.

Penalty, see § 350.99

350.08 Self-Service Sales. It shall be unlawful for a licensee under this chapter to allow the sale of tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products or tobacco related devices by any means whereby the customer may have access to those items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the tobacco, tobacco product, electronic delivery devices, nicotine or lobelia delivery products or the tobacco related device between the licensee or his or her clerk and the customer. All tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products and tobacco related devices shall either be stored behind a counter or other area not freely accessible to customers or in a case or other storage unit not left open and accessible to the general public. Any retailer selling tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products or tobacco related devices at the time this chapter is adopted shall comply with this section immediately following the effective date of this chapter.

Penalty, see § 350.99

350.09 Responsibility. All licensees under this chapter shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products or tobacco related devices on the licensed premises, and the sale of an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the city from also subjecting the clerk to whatever penalties are appropriate under this chapter, state or federal law or other applicable law or regulation.

Penalty, see § 350.99

350.10 Compliance Checks and Inspections. All licensed premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of 15 years but less than 18 years to enter the licensed premises to attempt to purchase tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products or tobacco related devices. Minors used for the purpose of compliance checks shall be supervised by city designated law enforcement officers or other designated city personnel. Minors used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products or tobacco related devices when those items are obtained as a part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this section shall prohibit compliance checks authorized by state or federal laws for educational, research or training purposes or required for the enforcement of a particular state or federal law.

Penalty, see § 350.99

350.11 Other Illegal Acts. Unless otherwise provided, the following acts shall be a violation of this chapter:

- (A) **Illegal sales.** It shall be a violation of this chapter for any person to sell or otherwise provide any tobacco, tobacco product, electronic delivery devices, nicotine or lobelia delivery products or tobacco related device to any minor.
- (B) **Illegal possession.** It shall be a violation of this chapter for any minor to have in his or her possession any tobacco, tobacco product, electronic delivery devices, nicotine or lobelia delivery products or tobacco related device. This division (B) shall not apply to minors lawfully involved in a compliance check.
- (C) **Illegal use.** It shall be a violation of this chapter for any minor to smoke, chew, snuff or otherwise use any tobacco, tobacco product, electronic delivery devices, nicotine or lobelia delivery products or tobacco related device.
- (D) **Illegal procurement.** It shall be a violation of this chapter for any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, electronic delivery devices, nicotine or lobelia delivery products or tobacco related device, and it shall be a violation of this chapter for any person to purchase or otherwise obtain those items on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, electronic delivery devices, nicotine or lobelia delivery products or tobacco related device. This division (D) shall not apply to minors lawfully involved in a compliance check.
- (E) **Use of false identification.** It shall be a violation of this chapter for any minor to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.
- (F) **Child Resistant Packaging.** It shall be a violation of this chapter to sell, purchase or possess any liquid intended for human consumption and use is an electronic delivery device which has not been sold or purchased in child resistant packaging as defined in CFR, title 16, Section 1700.15(b)(1).
- (G) **Public Buildings.** It shall be a violation of this chapter to use or operate any electronic delivery device in any building owned or operated by the City of Princeton, or in any Public School as defined in Minnesota Statute Section 120A.05.

Penalty, see § 350.99

350.12 Exceptions and Defenses. Nothing in this chapter shall prevent the providing of tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products or tobacco related devices to a minor as part of a lawfully recognized religious, spiritual or cultural ceremony. It shall be an affirmative defense to the violation of this chapter for a person to have reasonably relied on proof of age as described by state law.

350.99 Violations and Penalty.

- (A) **Violations.**

- (1) **Notice.** Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his or her right to be heard on the accusation.
 - (2) **Hearings.** If a person accused of violating this chapter so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.
 - (3) **Hearing officer.** The City Administrator shall serve as the hearing officer, or may appoint a qualified person to act as a hearing officer.
 - (4) **Decision.** If the hearing officer determines that a violation of this chapter did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under division (B) of this section, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, those findings shall be recorded and a copy provided to the accused violator.
 - (5) **Appeals.** Appeals of any decision made by the hearing officer shall be filed in the district court for the city in which the alleged violation occurred.
 - (6) **Misdemeanor prosecution.** Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any alleged violation of this chapter.
 - (7) **Continued violation.** Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.
- (L) **Administrative penalties.**
- (1) **Licensees.** Any licensee found to have violated this chapter, or whose employee shall have violated this chapter, shall be charged an administrative penalty pursuant to M.S. 461.12 as it may be amended from time to time and includes a provision by which, upon a third offense, the license shall be suspended for not less than seven days. This administrative fine or other penalty may also be established from time to time by the city ordinance establishing fees and charges, as it may be amended from time to time.
 - (2) **Other individuals.** Other individuals, other than minors, found to be in violation of this chapter shall be charged an administrative penalty pursuant to M.S. 461.12 as it may be amended from time to time. This administrative fine or other penalty may also be established from time to time by the city ordinance establishing fees and charges, as it may be amended from time to time.
 - (3) **Minors.** Minors found in unlawful possession of or who unlawfully purchase or attempt to purchase tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products or tobacco related devices shall be subject to an administrative fine or may be subject to tobacco related education classes, diversion programs, community services or another penalty that the city believes

will be appropriate and effective. The administrative fine or other penalty shall be established by City Council ordinance upon the City Council's consultation with interested parties of the courts, educators, parents and children to determine an appropriate penalty for minors in the city. This administrative fine or other penalty may also be established from time to time by the ordinance establishing fees and charges, as it may be amended from time to time.

- (4) **Misdemeanor.** Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any violation of this chapter.
- (5) **Statutory penalties.** If the administrative penalties authorized to be imposed by M.S. §461.12, as it may be amended from time to time, differ from those established in this section, then the greater of the two penalties shall prevail.

Chapter 360 – Rummage Sale Regulations

360.01 Definitions. For the purposes of this Code, the following terms, phrases, words, and their derivations shall have the meaning given herein.

- (A) “Rummage Sale” shall mean and include all general sales, open to the public, conducted from or on a residential premise in any zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "basement", "yard," "attic," "porch," "room," "auction," "backyard," "patio," "flea market," or "rummage" sale.
- (B) “Personal Property” shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence.
- (C) “Person” shall mean and include individuals, groups, organizations, partnerships, voluntary organizations and corporations including any charitable, educational, cultural or governmental institution or organization.

360.02 Property Permitted To Be Sold. No person, whether as owner, lessee, manager, occupant or any agent thereof, shall sell, offer for sale, conduct or permit a sale of property other than personal property at a garage sale or other residential personal property sale.

360.03 Permitted Number Of Yard Sales Per Year. It shall be unlawful for any residents and/or family household to conduct more than two (2) yard sales during any one (1) calendar year. If members of more than one residence and/or family household join in the operation of a garage sale, it shall be considered as a garage sale for each and all such residences and/or family households.

360.04 Hours of Operation. Such yard sales shall be limited in time and shall be open to the public only between the hours of 8:00 AM to dusk of three (3) consecutive days. If, due to inclement weather, the sale is postponed, the applicant shall notify the City.

360.05 Display of Sale Property. Personal property offered for sale may be displayed within the residence, porch, in a garage, carport, and/or in any yard, but shall not be permitted within the

public right of way. Unsold items must be removed from the sale site and/or stored in an enclosed structure within 12 hours after the last day of the sale.

360.06 Advertising; Signs. Signs advertising the garage sale shall be permitted according to the following rules:

- (A) Signs may be permitted to be displayed on the property of the residence where the yard sale is being conducted.
- (B) Any sign posted in conjunction with a sale shall be removed from view within two (2) hours of the conclusion of the sale.
- (M) Nothing under this provision shall serve as authorization for any rummage sale sign to be posted on any off-premises property, utility pole, street sign, street light, stop light, fence or structure without the written consent of the owner of said premises, property, sign, pole, fence or structure.
- (N) Signs may be located within a city street right-of-way (ROW) providing that:
 1. Signage in the ROW must include the exact street address of the Rummage Sale as well as the name of the property owner and the dates for the Rummage Sale.
 2. Signage located within the ROW must be no closer than three feet (3') to the driving surface of the adjacent roadway and may not be positioned such that the signage blocks the view of intersecting traffic.
 3. All signage must comply with all other provisions of the city ordinances. Any owner of Rummage Sale signage found in violation of any provision of city ordinance shall be subject to an administrative fine or a regular citation.

360.07 Authority. The city building inspector, a police officer or any other city official designated by the City Administrator, shall make inspections to enforce the same and shall have the right to issue citations for violations of this Ordinance.

360.08 Persons Exempt. The provisions of this Code shall not apply to or affect the following:

- (A) Persons selling goods pursuant to an order or process of Court of competent jurisdiction.
- (B) Persons acting in accordance with their powers or duties as public officials.
- (C) Persons acting in accordance with their responsibilities as court-appointed decedents' personal representatives.
- (D) Any bona fide charitable, educational, cultural or governmental institution, or organization when the proceeds from the sale are used directly for the institution or organization's charitable purposes.

360.09 Penalty. - Any person violating the provisions of this ordinance shall be guilty of a petty misdemeanor. Each day a violation exists shall be a separate violation. Said violation may be subject to the Administrative Fine procedure pursuant to Ordinance #526.

Chapter 370 – Heritage Preservation Advisory Committee

370.01 Policy and Purpose. The City Council of the City of Princeton, pursuant to Minnesota Statutes, Section 471.193 hereby declares as a matter of public policy that the protection, preservation, perpetuation and use of places, areas, buildings, structures and other objects having a special historical, community or aesthetic interest or value is a public necessity and is required in the interest of the people. The purpose of this Chapter is to:

- (A) Safeguard the cultural resources of the City by preserving sites, structures, districts and landmarks which reflect elements of the City’s cultural, social, economic, political or architectural heritage.
- (B) Protect and enhance the City’s historical attractions for residents and visitors.
- (C) Foster civic pride in the beauty and notable achievements of the past.
- (D) Enhance the visual and aesthetic character, diversity and interest of the City’s buildings, structures and places.
- (E) Promote the use and preservation of historic sites and landmarks for the education and general welfare of the people of the City

370.03 Definitions. For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Alteration: Changing the existing exterior of a property. “Major alterations” include construction work which is normally done with the aid of plans or specifications that substantially changes the physical appearance or use of a property. “Minor alterations” include work which is normally done without the aid of plans, specifications or skilled labor and which does not radically change the external appearance of a property.

Cultural Resources: Any work of people or nature that is primarily of interest for its historical, archeological, natural, scientific or aesthetic value including, but not limited to, old houses and other structures such as barns, schools, kilns, archaeological sites, American Indian burial grounds and earthworks, buildings identified as the work of an architect, developer or master builder whose work has influenced the City, and structures noteworthy because of their design, detail, materials or craftsmanship.

Heritage Preservation District: A discrete, geographically definable area containing buildings, structures, archaeological sites, lands and areas linked historically through location, design, workmanship, setting or association with people or events that have made an important contribution to our heritage, as designated by the City Council.

Heritage Preservation Site: Any area, place, structure, land or other object as designated by the City Council.

Heritage Preservation Landmark: A landscape feature or aggregate of landscape features which has or have a special historical or aesthetic character or interest as part of the development, heritage, or cultural characteristics of the City, as designated by the City Council.

Significance: The sense of time and place in history that is conveyed by cultural resources, their educational and scientific value and their capacity for enhancing the visual and aesthetic character, diversity and interest of the City.

370.05 Heritage Preservation Advisory Committee.

- (A) Committee Established; Members. The City Council hereby establishes a Heritage Preservation Advisory Committee, which shall consist of five (5) voting members, adult residents of the City, to be appointed by the City Council. This Committee shall be the duly designated the Heritage Preservation Advisory Committee (“HPAC”), pursuant to Minnesota Statutes section 471.193.
- (B) Qualifications. Members of the HPAC shall be persons with demonstrated interest or expertise in historic preservation. If available, at least one (1) member of the HPAC shall be a heritage preservation related professional who meets the professional qualifications and standards established by the United States Secretary of the Interior and the State Historic Preservation Office. In addition to the five (5) voting members of the HPAC, the City Council shall appoint ex officio non-voting members from one or more of the following: The City Planning Commission; the Economic Development Authority; and the Housing and Redevelopment Authority. The Mille Lacs County Historical Society shall also be invited to appoint a representative to the HPAC who shall serve in an ex officio non-voting capacity.
- (C) Terms of Office. The City Council shall initially designate two (2) voting members to serve a term of one (1) year, two (2) voting members to serve a term of two (2) years, and one (1) voting member to serve a term of three (3) years. All subsequent appointments shall be for terms of three (3) years. Voting members shall continue to hold offices until their successors have been appointed and qualified. Ex officio members appointed by the City Council shall serve at the pleasure of the City Council.
- (D) Compensation. Voting members of the HPAC shall serve without compensation but shall be reimbursed for expenses incurred in the performance of their duties in accordance with the established City policy.
- (E) Staff. The City Council shall provide the HPAC with a recording secretary.

370.07 Historic and Cultural Resource Studies. The HPAC shall conduct a continuing survey of historic and cultural resources in the City which the HPAC has reason to believe are or will be eligible for designation as Heritage Preservation Districts, Sites, or Landmarks. The HPAC shall also prepare a Comprehensive Cultural Resource Management Plan for the City. Owners of properties considered under this Section shall be notified of the HPAC review and apprised of their right to opt out of the designation at the time of any City Council consideration of a heritage preservation designation on such property.

370.09 Designation of Heritage Preservation Districts, Sites, and Landmarks.

- (A) Procedures Before the HPAC. Following consultation with the property owner, HPAC may nominate to the City Council a heritage preservation designation for any district, site or landmark identified by the HPAC in the survey prepared under Section 370.07 hereof. Every such nomination shall be forwarded to the Minnesota Historical Society for review and comment within sixty (60) days of the HPAC's request for a heritage preservation designation.
- (B) Procedures Before the City Council. Upon the nomination by HPAC, the City Council may, with the consent of the property owner, by resolution designate a nominated historic district, site or landmark as a Heritage Preservation District, Site or Landmark. Prior to such designation, the City Council shall hold a public hearing, notice of which shall have been published in a newspaper of general circulation at least ten (10) days prior to the date of the hearing. Notice of the hearing shall also be mailed at last fifteen (15) days prior to the hearing to all owners of property which is proposed to be designated as a Heritage Preservation District, Site, or Landmark and to all property owners within three hundred (300) feet of the boundary of the area to be designated.
- (C) Eligibility Criteria. In considering the designation of any area, place or structure within the City as a Heritage Preservation District, Site or Landmark, whether by the HPAC or the City Council, the following factors shall be considered with respect to its Significance and eligibility for the designation:
 - (1) Its character, interest or value as part of the history or cultural heritage of the City, the State of the United States;
 - (2) Its association with persons or events that have made a significant contribution to the cultural heritage of the City;
 - (3) Its potential to yield information important in history or prehistory;
 - (4) Its embodiment of distinguishing characteristics of architectural type or style, or elements of design, detail materials or craftsmanship; and
 - (5) Its unique location or singular physical appearance representing an established or familiar visual feature of a neighborhood or community of the City.

370.11 Alterations to Designated Heritage Preservation Districts, Sites or Landmarks.

- (A) Review and Recommendations Generally. The HPAC shall review and make recommendations to the City Council concerning proposed Major Alterations to any designated Heritage Preservation District, Site or Landmark.
- (B) Factors to be Considered. The HPAC, upon receipt of the permit application and plans, shall determine if the work to be performed is a Major Alteration or a Minor Alteration as defined in the Ordinance. In the event of a minor alteration, the HPAC shall approve or disapprove the permit and review is not required by the City Council, provided, however, that any applicant may appeal the disapproval of a permit to the City Council. In the

event of a Major Alteration, the recommendation of the HPAC shall be forwarded to the City Council for review. In determining whether the permit application and plans describe a Major Alteration or a Minor Alteration, the HPAC shall consider the following:

- (1) Whether the work described in the application will significantly alter the appearance of the Heritage Preservation District, Site or Landmark so as to remove the features which distinguish it as a designated Heritage Preservation District, Site or Landmark;
 - (2) Whether the use of the property will destroy, disturb or endanger a known or suspected archaeological feature site;
 - (3) Whether the permit application and plans meet the guidelines set forth in the U.S. Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation;
 - (4) Whether the permit application and plans are in conflict with the overall goals of this Ordinance for preservation of the designated Heritage Preservation Districts, Sites and Landmarks of the City of Princeton.
- (C) Building or Land Use Permit. Every application for a building or land use permit which may result in the Major Alteration of a designated Heritage Preservation District, Site or Landmark shall be reviewed by HPAC; thereafter, HPAC shall make a recommendation and may recommend conditions regarding approval to the City Council concerning the proposed permit. No permit will be issued by the City Building Official or the Zoning Administrator unless a Certificate of Approval has been granted by the City Council. This Certificate of Approval may contain conditions of approval that the Council deems reasonable and appropriate.
- (D) Plats, Variances, Interim Uses or Conditional Uses. Every application for a preliminary or final plat, variance, interim use or conditional use permit which may result in a Major Alteration of a designated Heritage Preservation District, Site or Landmark in the City shall be reviewed by the HPAC and the recommendation of the HPAC shall be forwarded to the Planning Commission and to the City Council to be considered by the Planning Commission in making their recommendation to the City Council.
- (E) Appeals. Except as stated in Section 370.11B, all decisions and recommendations of the HPAC are advisory to the City Council. Any person aggrieved by any decision of the City Council with respect to the application of this Ordinance shall have a right to appeal such decision to the District Court of Mille Lacs County. A copy of any such appeal shall be served upon the City Administrator of the City of Princeton, and the original shall be filed with the District Court Administrator along with an Affidavit of Service, within thirty (30) days of written notice to the applicant of the final decision of the City Council. Written notice to the applicant of the decision of the City Council, is effective on the date that the notice is placed in the United States mail, postage prepaid, addressed to the applicant as described in the permit application and plans.

370.13 Designation of Historic Districts on Zoning Map. The City shall place all duly designated Heritage Preservation Districts, Sites and Landmarks on the Official City Zoning Map,

provided, however, that the failure to do so shall not affect the official designation of the heritage designation of any district, site or landmark.

370.15 Maintenance of Records and Documents.

- (A) Register of Historic Sites and Landmarks. The City shall maintain a register of Heritage Preservation Districts, Sites and Landmarks.
- (B) Repository for Documents. The office of the City Administrator is designated as the repository for all studies, surveys, reports, programs and designations of Heritage Preservation Districts, Sites and Landmarks.

370.17 Violation. It shall be a misdemeanor to alter, disturb, deface, vandalize or materially change the appearance of a designated Heritage Preservation District, Site and Landmark without a permit.

Chapter 380 – Securing and Registration of Vacant Buildings

380.01 Definitions. For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

City: The City of Princeton, State of Minnesota.

Neighborhood Association: An organization recognized by the City as representing a neighborhood within the City.

Owner of Record: The fee owner, contract for deed vendee, mortgagee in foreclosure, holder of a sheriff's certificate, and taxpayer as shown on the real property records of Mille Lacs or Sherburne County, or the authorized agent of any of the preceding persons.

Secure: Includes, but is not limited to, installing locks, repairing windows and doors, boarding windows and doors, posting "no-trespassing" signs, installing exterior lighting or motion-detecting lights, fencing the property, and installing a monitored alarm or other security system consistent with Minn. Stat. § 463.251.

Unoccupied Building: A building or portion of a building which is not being used by a person entitled to legal occupancy.

Unsecured building: A building or a portion of a building that is open to entry by unauthorized persons without the use of tools or ladders.

Vacant building: A building or a portion of a building that is unoccupied and meets one or more of the following conditions:

- (1) Records of the Mille Lacs or Sherburne County Recorder show the property is in lien foreclosure;
- (2) Windows or entrances to the property are boarded up or closed off, or multiple doors or window are broken and unrepaired;

- (3) Doors to the property are damaged, smashed through, caved in, broken off, unhinged, or continuously unlocked;
- (4) The property is without gas, electric, or water service;
- (5) Rubbish, trash, putrescible materials or debris has accumulated on the property;
- (6) Law enforcement agencies have received at least two reports of trespass, vandalism or other illegal acts being committed on the property within 12 months;
- (7) The yards on the property exhibit grass, lawn, weeds, and other vegetation which are not maintained to the standards prevailing in the neighborhood.

380.02 Securing Vacant Buildings. Any building which becomes unsecured or vacant may be deemed hazardous. If the hazardous condition could be abated by securing the building, the City Council may order the building secured and shall cause notice of the order to be served by United States Mail on the record owner at its last known address and upon any neighborhood association consistent with Minn. Stat. § 463.251, Subd. 2. The notice must be in writing and must include, at a minimum, a statement that:

- (A) Informs the owner of record that it has 12 days to secure the building or provide the council with a reasonable plan and schedule to comply with the order and that costs may be assessed against the property if the person does not secure the building.
- (B) Provides the owner of record with a copy of Minn. Stat. § 582.031 (right of entry by holder of mortgage or sheriff's certificate to protect the premises from waste and trespass).

Service by mail is completed upon mailing.

380.03 Emergency Securing of Vacant Buildings. Pursuant to MN Statute § 463.251, Subd. 4, when the City Council or the Council's authorized representative determines that a vacant or unsecured building poses an immediate threat to the health or safety of persons in the community and the immediate securing of a building is required to protect health and safety, all notice requirements herein are waived and the building may be secured by the City, provided that:

- (A) The conditions showing the existence of an immediate threat are documented in a written report.
- (B) A copy of the written report and the City action taken are mailed immediately to the owner of record and any neighborhood association.

380.04 Collection of Costs. All costs incurred by the City for securing a vacant building under this Ordinance may be charged against the real property as a special assessment pursuant to Minn. Stat. §§ 463.251, 463.21 and 463.151.

380.05 Registration of Vacant Buildings. The owner of record of a vacant building shall register such structure with the City's Development Director no later than thirty (30) days after the building becomes a vacant building, as defined in this Ordinance. The registration of vacant building

shall be submitted on forms provided by the City, and shall contain, at a minimum, the following:

- (A) The legal description and property address of the vacant building.
- (B) The names and addresses of all owners of the vacant building.
- (C) The names and addresses of all known lien holders and mortgagees of the vacant building.
- (D) The period of time which the building is expected to remain vacant.
- (E) A plan and timetable for returning the building to appropriate occupancy and/or making the structure compliant with all City Ordinances or for demolition of the building. The plan must be approved by the City Development Director and shall require completion of the plan within a reasonable period of time not to exceed three hundred sixty-five (365) days. Such plan shall include all conditions that are to be corrected, the estimated value of the project(s) required to complete the plan and a plan for continued care and upkeep of the property consistent with this Ordinance.
- (F) Other information deemed necessary by the City to process the registration.

380.06 Continuing Requirements of Registered Vacant Buildings. The owner of record shall comply with all applicable state laws and City Ordinances and shall notify the City's Development Director of any changes in the information supplied as part of the vacant building registration, within thirty (30) days of the change. Any change in the vacant building registration must be approved by the City's Development Director. The following additional requirements shall apply:

- (A) The owner of record shall keep the vacant building secured and shall keep the building and grounds maintained until the rehabilitation or demolition of the building has been completed. Residential vacant buildings shall not be used for storage.
- (B) Failure of the owner of record to maintain the vacant building and grounds such that abatement of violations by the City is required, shall be grounds for revocation of the vacant building registration plan and the owner of record shall be subject to any applicable penalties provided by law.
- (C) In the event of a sale of the building or grounds by the owner of record to a purchaser, the purchaser shall re-register the vacant building with the City's Development Director within thirty (30) days of the transfer of ownership or interest in the vacant building. The new owner of record shall comply with the approved vacant building registration plan and timetable unless any proposed changes in the plan are submitted to and approved by the City's Development Director.

380.07 Vacant Building Registration Fees. The owner of a vacant building shall pay an annual registration fee as established by the City Council. This fee is imposed to defray the administrative costs for registering and processing the vacant building registration form and the costs of the City in monitoring the vacant building site.

- (A) The first annual registration fee shall be paid no later than thirty (30) days after the building becomes vacant. Subsequent annual registration fees shall be due on the anniversary date of initial vacancy.
- (B) The registration fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.

380.08 Inspections. The record owner shall provide access to all portions of a vacant building for inspection by City employees for the purpose of enforcing and assuring compliance with the provisions of this Ordinance.

380.09 Right of Appeal. Any owner of record who is aggrieved by a decision or order of the Development Director may appeal to the City Council. Such appeal must be in writing on forms provided by the City, must specify the grounds for the appeal, and must be accompanied by a filing fee in an amount determined by the City Council. The appeal must be submitted to the City Clerk by personal service or United States mail within thirty (30) days from the date of the decision or order from which the appeal is taken.

380.10 Severability. If any provision of this Ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

380.99 Penalties. Any person violating any provision of this Ordinance, or providing false information to the City in connection with a vacant building registration shall, upon conviction therefore, be punished as provided in the penalty section of this Ordinance.

Chapter 390 - Pawn Shops

390.01 Purpose. The city council finds that use of services provided by pawnbrokers provides an opportunity for the commission of crimes and their concealment because pawn businesses have the ability to receive and transfer property stolen by others easily and quickly. The city council also finds that consumer protection regulation is warranted in transactions involving pawnbrokers. The city council further finds that the pawn industry has outgrown the city's current ability to effectively or efficiently identify criminal activity related to pawn shops. The purpose of this chapter is to prevent pawn businesses from being used as facilities for the commission of crimes, and to assure that such businesses comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens of the city.

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

390.02 Definitions. When used in this article, the following words shall mean:

Pawnbroker: Any natural person, partnership or corporation, either as principal, or agent or employee thereof, who loans money on deposit or pledge of personal property, or other valuable thing, or who deals in the purchasing of personal property, or other valuable thing on condition of

selling the same back again at a stipulated price, or who loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged. To the extent that a pawnbroker's business includes buying personal property previously used, rented or leased, or selling it on consignment, the provisions of this chapter shall be applicable.

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

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

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

390.03 License Required. No person shall engage in the business of pawnbroker at any location without a pawnbroker license for that location. No pawnbroker license may be transferred to a different location or a different person. Issuance of a license under this chapter shall not relieve the licensee from obtaining any other licenses required to conduct business at the same or any other location.

390.04 Application Required.

- (A) (Contents.) An application form provided by the city clerk 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. 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 g. 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.

(2) 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 g. of subdivision (1) of this section.

(3) For all applicants:

- a. Whether the applicant holds a current pawnbroker, precious metal dealer or secondhand goods dealer license from any other governmental unit.
- c. 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.
- d. The location of the business premises.
- d. Such other information as the city council or issuing authority may require.

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

390.06 Persons ineligible for a License. No license 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:

- (A) Is a minor at the time that the application is filed;
- (B) 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.

390.07 License fees.

- (A) The annual license fees for licenses issued under this chapter shall be as adopted by The City Council and included in Appendix E of the City Ordinances.
- (B) The billable transaction license 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 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.

390.08 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 licensing authority. 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 licensing authority.

390.09 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 department.

- (A) 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.
- (B) The purchase price, amount of money loaned upon, or pledged therefor.
- (C) The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.
- (D) 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.
- (E) Full name, current residence address, current 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.
- (F) The identification number and state of issue from any of the following forms of identification of the seller:
 - 1. Current valid Minnesota driver's license.
 - 2. Current valid Minnesota identification card.
 - 3. Current valid photo identification card issued by another state or province of Canada.
- (G) The signature of the person identified in the transaction.
- (H) Effective sixty (60) days from the date of notification by the police department of acceptable video standards the licensee must also take a color photograph or color video recording of:
 - 1. Each customer involved in a billable transaction.
 - 2. Every item pawned or sold that does not have an 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 orally that he or she is being videotaped 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.

- (I) Digitized photographs. Effective sixty (60) days from the date of notification by the police department licensees must fulfill the color photograph requirements in above section (H) 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 or amend the requirements in subdivision (H).
- (J) 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.
- (K) 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. 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.

390.10: Daily Reports To Police.

- (A) Effective no later than sixty (60) days after the police department provides licensees with computerized record standards, licensees must submit every reportable transaction to the police department daily in the following manner:
 - 1. Licensees must provide to the police department all information required in the Records Required section (A) through (F) and other required information by transferring it from their computer to the Automated Pawn system via modem. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority. The licensee must display a sign of sufficient

size, in a conspicuous place in the premises, which informs all patrons that all transactions are reported to the police department daily.

(B) Billable transactions fees. Licensees will be charged for each billable transaction reported to the police department.

1. If a licensee is unable to successfully transfer the required reports by modem, the licensee must provide the police department printed copies of all reportable transactions along with the video tape(s) for that date by 12:00 the next business day.
2. If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must provide the required reports as detailed in section (DAILY REPORTS TO POLICE) (b) (1), and must be charged a fifty dollar (\$50.00) reporting failure penalty, daily, until the error is corrected, or:
3. If the problem is determined to be outside the licensee's system, the licensee must provide the required reports in (DAILY REPORTS TO POLICE) (B) (1) and resubmit all such transactions via modem when the error is corrected.
4. If a licensee is unable to capture, digitize or transmit the photographs required in (RECORDS REQUIRED) (I), the licensee must immediately take all required photographs with a still camera, cross-reference the photographs to the correct transaction, and make the pictures available to the Police Department upon request.
5. Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.
6. (DAILY REPORTS TO POLICE) (B) (1) through (3) notwithstanding, the police department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

390.11 Receipt Required. Every licensee must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for three (3) years. The receipt must include at least the following information:

- (A) The name, address and telephone number of the licensed business.
- (B) The date and time the item was received by the licensee.
- (C) Whether the item was pawned or sold, or the nature of the transaction.
- (D) An accurate description of each item received including, but not limited to, any trademark, identification number, serial number, model number, brand name or other identifying mark on such an item.

- (E) The signature or unique identifier of the licensee or employee that conducted the transaction.
- (F) The amount advanced or paid.
- (G) The monthly and annual interest rates, including all pawn fees and charges.
- (H) The last regular day of business by which the item must be redeemed by the pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date.
- (I) The full name, current residence address, current residence telephone number and date of birth of the pledger or seller.
- (I) The identification number and state of issue from any of the following forms of identification of the seller:
 - 1. Current valid Minnesota driver's license.
 - 2. Current valid Minnesota identification card.
 - 3. Current valid photo driver's license or identification card issued by another state or province of Canada.
- (K) Description of the pledger or seller including sex, approximate height, weight, race, color of eyes and color of hair.
- (L) The signature of the pledger or seller.
- (M) All printed statements as required by state statute 325J.04 subdivision 2, or any other applicable statutes.

390.12 Redemption Period. Any person pledging, pawning or depositing an item for security must have a minimum of ninety (90) days from the date of that transaction to redeem the item before it may be forfeited and sold during the ninety (90) day holding period, items may not be removed from the licensed location except as provided in (BUSINESS AT ONLY ONE PLACE).

Licensees are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued or, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with approval of the police license inspector. Written authorization for release of property to persons other than original pledger must be maintained along with original transaction record in accordance with (RECORDS REQUIRED) (J).

390.13 Holding Period. Any item purchased or accepted in trade by a licensee must not be sold or otherwise transferred for thirty (30) days from the date of the transaction. An individual may redeem an item seventy-two (72) hours after the item was received on deposit, excluding Sundays and legal holidays.

390.14 Police Order to Hold Property.

- (A) Investigative hold. Whenever a law enforcement official from any agency notifies a licensee not to sell an item, the item must not be sold or removed from the premises. The investigative hold shall be confirmed in writing by the originating agency with seventy-two (72) hours and will remain in effect for fifteen (15) days from the date of initial notification or until the investigative order is canceled, or until an order to hold/confiscate is issued, pursuant to [section] (POLICE ORDER TO HOLD PROPERTY) (B) whichever comes first.
- (B) Order to hold. Whenever the chief of police or the chief's designee, notifies a licensee not to sell an item, the item must not be sold or removed from the licensed premises until authorized to be released by the chief or the chief's designee. The order to hold shall expire ninety (90) days from the date it is placed unless the chief of police or the chief's designee determines the hold is still necessary and notifies the licensee in writing.
- (C) Order to confiscate. If an item is identified as stolen or evidence in a criminal case the chief or chief's designee may:
1. Physically confiscate and remove it from the shop, pursuant to written order from the chief or the chief's designee, or
 2. Place the item on hold or extend the hold as provided in (POLICE ORDER TO HOLD PROPERTY) (B) and leave it in the shop.

When an item is confiscated, the person doing so shall provide identification upon request of the licensee, and shall provide the licensee the name and phone number of the confiscating agency and investigator and the case number related to the confiscation. When an order to hold/confiscate is no longer necessary, the chief of police or chief's designee shall so notify the licensee.

390.15 Inspection of Items. At all times during the terms of the license, the licensee must allow law enforcement officials to enter the premises where the licensed business is located, including all off-site storage facilities as authorized in (BUSINESS AT ONLY ONE PLACE), during normal business hours, except in an emergency for the purpose of inspecting such premises and inspecting the items, ware and merchandise and records therein to verify compliance with this chapter and other applicable laws.

390.16 Label Required. Licensee must attach a label to every item at the time it is pawned, purchased or received in inventory from any reportable transaction permanently recorded on this label must be the number or name that identifies the transaction in the shop's records, the transaction date, the name of the item and the description or the model and serial number of the item as reported to the police department whichever is applicable and the date the item is out of pawn or can be sold, if applicable. Labels shall not be re-used.

390.17 Prohibited Acts.

- (A) No person under the age of eighteen (18) years may pawn or sell or attempt to pawn or sell goods with any licensee, nor may any licensee receive any goods from a person under the age of eighteen (18) years.

- (B) No licensee may receive any goods from a person of unsound mind or an intoxicated person.
- (C) No licensee may receive any goods, unless the seller presents identification in the form of a valid driver's license, a valid State of Minnesota identification card, or current valid photo driver's license or identification card issued by the state of residency of the person from whom the item was received.
- (D) No licensee may receive any item of property that possesses an altered or obliterated serial number or operation identification number or any item of property that has had its serial number removed.
- (E) No person may pawn, pledge, sell, consign, leave, or deposit any article of property not their own; nor shall any person pawn, pledge, sell, consign, leave, or deposit the property of another, whether with permission or without; nor shall any person pawn, pledge, sell, consign, leave, or deposit any article of property in which another person has a security interest; with any licensee.
- (F) No person seeking to pawn, pledge, sell, consign, leave, or deposit any article of property with any licensee shall give a false or fictitious name, nor give a false date of birth; nor give a false or out of date address of residence or telephone number; nor present a false or altered identification, or the identification of another; to any licensee.

390.18 Denial, Suspension or Revocation. Any license under this chapter may be denied, suspended or revoked for one or more of the following reasons:

- (A) The proposed use does not comply with any applicable zoning code.
- (B) The proposed use does not comply with any health, building, building maintenance or other provisions of this Code of Ordinances or state law.
- (C) The applicant or licensee has failed to comply with one or more provisions of this chapter.
- (D) The applicant is not a citizen of the United States or a resident alien, or upon whom it is impractical or impossible to conduct a background or financial investigation due to the unavailability of information.
- (E) Fraud, misrepresentation or bribery in securing or renewing a license.
- (F) Fraud, misrepresentation or false statements made in the application and investigation for, or in the course of, the applicant's business.
- (G) Violation within the preceding five (5) years, of any law relating to theft, damage or trespass to property, sale of a controlled substance, or operation of a business.
- (H) The owner of the premises licensed or to be licensed would not qualify for a license under the terms of this chapter.

390.19 Business at Only One Place. A license under this chapter authorizes the licensee to carry on its business only at the permanent place of business designated in the license. However, upon written request, the police inspector may approve an offsite locked and secured storage facility. The licensee shall permit inspection of the facility in accordance with (INSPECTION OF ITEMS).

All provisions of this chapter regarding record keeping and reporting apply to the facility and its contents. Property shall be stored in compliance with all provisions of the city code. The licensee must either own the building in which the business is conducted, and any approved off-site storage facility, or have a lease on the business premise that extends for more than six (6) months.

390.20 Separability. Should any section, subsection, clause or other provision of this chapter be declared by a court of competent jurisdiction to be invalid such decision shall not affect the validity of the ordinance as a whole or any part other than the part so declared invalid.

390.21 Penalties. Any person violating any provision of this Ordinance, or providing false information to the City in connection with an application for a Pawnbroker's license shall, upon conviction therefore, be punished as provided in the penalty section of this Ordinance.

Chapter 395. PET STORE LICENSING AND REGULATION

Added – 6-17-14, ord #708

395.01 Purpose. The City Council finds that pet stores can present health, safety, and sanitation problems if not properly and locally regulated. The City Council therefore enacts the following licensing scheme governing pet stores.

395.02 Pet Store License Required No person shall operate a pet store that sells animals without first obtaining a license in compliance with this Section of the City Code.

395.03 License Application. The application for a license under this Section shall be made on a form supplied by the City Clerk containing the following information:

- A. The full name, current address, home and business phone of the applicant.
- B. Whether the applicant is a natural person, corporation, partnership or other form of organization.
- C. Whether all real estate and personal property taxes that are due and payable for the premise to be licensed have been paid, and if not paid, the years and amounts that are unpaid.
- D. The location where the pet store will be operated.
- E. Such other information as the City Clerk deems necessary.
- F. Description of the operation including, but not limited to, the type and number of animals, animal shelter and restraints, and copies of applicable rabies vaccination information.
- G. Evidence of liability insurance amount of at least \$1,000,000 per occurrence for bodily injury.

395.04 License Fee The fee for a pet store license shall be set forth by a separate ordinance. The license shall be effective as long as the licensee is in compliance with the provisions within this Section.

395.05 License Application Execution, Verification and Consideration

- A. **Execution.** All applications for a license under this Section shall be signed and sworn to. If the application is that of a natural person, it shall be signed and sworn to by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.
- B. **Verification.** All applications shall be subject to verification and investigation of the facts set forth in the application. The City Clerk is authorized to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry and/or a driver's license history inquiry on the applicant.
- C. **Consideration.** Within a reasonable period after the completion of the license verification process, the City Council shall accept or deny the license application in accordance with this Section. If the application is denied, the City Council shall notify the applicant of the determination in writing.

395.06 Persons and Locations Ineligible for a License

- A. **Persons Ineligible.** No license under this Section shall be issued to an applicant if such applicant:
 - 1. Is not eighteen (18) years of age or older on the date the license application is submitted to the City Council;
 - 2. Has been convicted of any crime directly related to the occupation licensed, including but not limited to cruelty to animals, as prescribed by Minnesota Statutes, Section 364.03, subdivision 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation as prescribed by Minnesota Statutes, Section 364.03, subdivision 3;
 - 3. Is not a citizen of the United States, a resident alien, or does not have the legal authority to be employed in the United States;
 - 4. Is not of good moral character or repute;
 - 5. Has knowingly falsified or misrepresented information on the license application;
 - 6. Owes taxes and assessments to the State, County, School District or City that are due and delinquent; or
 - 7. Is not the real party in interest of the business being licensed.
- B. **Locations Ineligible.** The following locations shall be ineligible for a license under this Section:
 - 1. **Taxes Due on Property.** No license shall be granted or renewed for operation on any property on which taxes, assessments, or other financial claims of the State, County, School District, or City are past due, delinquent, or unpaid. In the event a suit has been commenced under Minnesota Statutes, Sections 278.01-278.13, questioning the amount or validity of taxes, the City Council may on application 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.
 - 2. **Improper Zoning.** No license shall be granted if the property is not properly zoned.

3. **Space Not Suitable.** No license shall be granted if the property or building is not suitable for a pet store due to size, configuration, location, design or other site characteristics that is likely to create a nuisance to adjoining property users or significantly impair the ability of the licensee to comply with the provisions of this Section.
4. **Proximity to Residential Uses.** No license shall be granted if any portion of the building is also used for residential purposes.

395.07 Health and Welfare Regulations

- A. **Diseased Animals.** The pet store licensee must not possess or offer for sale, any animal afflicted with an infectious disease.
- B. **Floor Requirements.** The floors of a pet store shall be non-absorptive, monolithic construction and must be kept in a clean and sanitary condition and in good repair. For large animals where it would be detrimental to the animal's health to stand for prolonged periods on hard nonabsorbent floors, alternate approved flooring, such as rugs that may be removed and laundered, may be allowed.
- C. **Walls and Ceilings.** Walls and ceilings of a pet store shall be kept clean, sanitary, and in good repair.
- D. **Confinement.** All cages, pens, benches, boxes, tanks, or receptacles in which animals are confined shall be easily cleanable, durable and constructed of non-corrosive material and maintained in good repair. Such cages and pens shall also be properly sufficient and humane in size for the confinement of such animals.
- E. **Ventilation.** All rooms in a pet store shall be mechanically ventilated and meet all standards of the Uniform Mechanical Code. A negative pressure must be maintained to prevent odors and organisms from entering the adjacent businesses or departments. Provisions shall be made for pre-heated replacement air.
- F. **Delivery Requirements.** All delivery trucks transporting animals to and from the pet store shall be kept clean and sanitary.
- G. **Feeding of Animals.** All utensils used in the preparation of food and the feeding of animals shall be kept clean, sanitary and in good repair; and the use of the utensils for such purpose which are badly worn, rusted, or corroded, or in such condition that they cannot be clean and sanitary is prohibited.
- H. **Humane Treatment of Animals.** Any animal in the pet store shall be handled and treated in a humane manner by the owner, operator and employees of the pet store. All state laws governing cruelty to animals and humane treatment of animals shall be adhered to and all operations must enhance or maintain the health and welfare of all animals in the establishment.
- I. **Animal Care and Handling.** The pet store operator or an agent of the operator must be present at least once daily, regardless of whether the store is open, for general care, maintenance, and to ensure adequate exercise of the animals in the custody of the pet store. Pet store operators must ensure that:
 1. Each animal is handled in a manner which will not cause discomfort, physical harm, or undue stress to that animal.
 2. Each animal is observed at regular intervals, at least once a day, in order to recognize and evaluate general symptoms of sickness, injury, or abnormal behavior.

- J. **Location of Animals.** Where the licensee keeps animals for sale or display, all animals shall be kept entirely within an enclosed building and no animals shall be kept or maintained outdoors. Exterior walking or exercise areas shall be maintained free of wastes and other litter, and all wastes should be removed and disposed of in an approved manner immediately.
- K. **Infectious Diseases.** All animals subject to distemper and infectious hepatitis acquired by the pet store owner or operator must have been inoculated prior to delivery at the pet store by a veterinarian licensed to practice in the state of Minnesota. Nonhuman primates must have a yearly tuberculin test. The licensee shall maintain a written vaccination record for every animal kept within the pet store.
- L. **Size Requirements.** The pet store must include a room of sufficient size to contain an approved sink with hot and cold running water under pressure, for the purpose of storing janitorial supplies, and equipment used to maintain the premises in a clean and sanitary manner.
- M. **Disposal of Wastes.** All animal wastes must be disposed of in a timely and sanitary manner. In no event shall there be an accumulation of waste beyond twenty-four (24) hours. In public areas during exhibition, all wastes must be disposed of immediately or, at minimum, such waste to be stored in an approved container with tight fitting lids and disposed of in an approved sanitary manner at the end of the day.

395.08 Sanctions for License Violations

- A. **Suspension or Revocation.** The City Council may suspend or revoke a license issued pursuant to this Section for a violation of:
 - 1. Fraud, misrepresentation, or false statement contained in a license application or a renewal application.
 - 2. Fraud, misrepresentation, or false statement made in the course of carrying on the licensed occupation or business.
 - 3. Any violation of this Section or state law.
 - 4. A licensee's criminal conviction that is directly related to the occupation or business licensed, including but not limited to cruelty to animals, as defined by Minnesota Statutes, Section 364.03, subdivision 2, provided that the licensee cannot show competent evidence of sufficient rehabilitation and present fitness to perform duties of the licensed occupation or business as defined by Minnesota Statutes, Section 364.03, subdivision 3.
 - 5. Conducting the licensed business or occupation in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the community.
- A. **Notice and Hearing.** A revocation or suspension by the City Council shall be preceded by written notice to the licensee and a hearing. The notice shall give at least ten (10) days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice shall be mailed by regular mail to the licensee at the most recent address listed on the license application.

395.09 License Regulations

- A. **Posting of License.** The license issued pursuant to this Section shall be conspicuously displayed at the pet store.

- B. **Insurance.** No license shall be issued or continued in operation unless there is in full force and effect a liability insurance policy in the amount of at least \$1,000,000 per occurrence for bodily injury.
- C. **Licensed Premises.** A license issued pursuant to this Section is effective only for the compact and contiguous space specified in the approved license application.
- D. **Regulation, inspection and enforcement by the City.** In order to provide for the public health and safety, the City shall have authority to regulate and enforce the provisions stated herein concerning the use, operation, and maintenance Pet Store facilities and, further, shall have authority to enter upon the premises of a Pet Store facility and inspect the facility as often as necessary to confirm compliance with the provisions of this article. In the event of a failure to comply with the provisions of this article, after due notice thereof, the city shall have the power to abate or cause a suspension of the use of the Pet Store facility permit until such time as the same is, in the opinion of the city, no longer a hazard to public health or safety.
- E. **Transfer of License Prohibited.** A license issued pursuant to this Section is for the person and the persons named on the approved license application. No transfer of a license shall be permitted from place to place or from person to person without complying with the requirements of an original license application.

395.10 Penalty. A violation of this Section shall be a misdemeanor under Minnesota law.