

CITY OF HANOVER
CHAPTER 4: LICENSING

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LicensingSEC. 4.01 DEFINITIONS

- A. As used in this Chapter, the following words and terms shall have the meanings stated:
1. "Applicant" means any person making an application for a license under this Chapter.
 2. "Application" means a form with blanks or spaces thereon, to be filled in and completed by the applicant as his request for a license, furnished by the City and uniformly required as a prerequisite to the consideration of the issuance of a license for a business.
 3. "Bond" means a corporate surety document in the form and with the provisions acceptable and specifically approved by the City Attorney.
 4. "Business" means any activity, occupation, sale of goods or services, or transaction that is either licensed or regulated or both licensed and regulated, by the terms and conditions of this Chapter.
 5. "License" means a document issued by the City to an applicant permitting him to carry on and transact a business.
 6. "Licensees" means an applicant who, pursuant to his application, holds a valid, current, unexpired and unrevoked license from the City for carrying on a business.
 7. "License fee" means the money paid to the City pursuant to an application and prior to issuance of a license to transact and carry on a business.
 8. "Sale", "Sell" and "Sold" mean all forms of barter and all manner or means of furnishing merchandise to persons.

SEC. 4.02 APPLICATIONS

- A. All applications shall be made at the office of the City Clerk upon forms that have been furnished by the City for such purposes.
- B. Unless otherwise provided for in this Chapter, all such applications must be subscribed, sworn to, and include such information as the Council shall deem necessary considering the nature of the business for which license application is made.
- C. It is unlawful for any applicant to intentionally make a false statement or omission upon any application form. Any false statement in such application, or any willful omission to

state any information called for on such application form, shall, upon discovery of such falsehood work an automatic refusal of license, or if already issued, shall render any license or permit issued pursuant thereto, void, and of no effect to protect the applicant from prosecution for violation of this Chapter, or any part hereof.

- D. The City Clerk shall, upon receipt of each application completed in accordance herewith, forthwith investigate the truth of statements made therein and the moral character and business reputation of each applicant for license to such extent as he/she deems necessary. For such investigation, the City Clerk may enlist the aid of the County Sheriff. The Council shall not consider an application before such investigation has been completed.
- E. Applications for renewal licenses may be made in such abbreviated form as the Council may adopt.

SEC. 4.03 ACTION ON APPLICATION, TRANSFER, TERMINATION AND DUPLICATE LICENSE

- A. Granting. The Council may grant any application for the period of the remainder of the then current calendar year or for the entire ensuing license year. Failure to pay any portion of a fee when due shall be cause for revocation. No license fee shall be refundable upon revocation or voluntarily ceasing to carry on the licensed activity. All applications, including proposed license periods, must be consistent with this Chapter.
- B. Issuing. If an application is approved, the City Clerk shall forthwith issue a license pursuant thereto in the form prescribed by the Council, payment of the appropriate license fee, and approval of the bond or insurance as to form and surety or carrier, if required. All licenses shall be on a calendar year basis unless otherwise specified herein as to particular businesses. Unless otherwise herein specified, license fees shall be prorated on the basis of 1/12th for each calendar month or part thereof remaining in the then current license year. Except as to licenses which are specifically Citywide, licenses shall be valid only at one location and on the premises therein described.
- C. Transfer. A license shall be transferable between persons upon consent of the Council. No license shall be transferable to a different location without prior consent of the Council and upon payment of the fee for a duplicate license. It is unlawful to make any transfer in violation of this Subdivision.
- D. Termination. Licenses shall terminate only by expiration or revocation.
- E. Refusal and Revocation. The Council may, for any reasonable cause, refuse to grant any application, or revoke any license. No license shall be granted to a person of questionable moral character or business reputation. Before revocation of any license, the Council shall give notice to the licensee and grant such licensee opportunity to be heard. Notice to be given and the exact time of hearing shall be stated in the resolution calling

for such hearing. Grounds for revocation may be, but are not limited to, any of the following: (1) that the licensee suffered or permitted illegal acts upon licensed premises; (2) that the licensee had knowledge of such illegal acts but failed to report the same to police; (3) that the license violated terms of the license or local, state or federal laws; (4) that the licensee failed or refused to cooperate fully with police in investigating such alleged illegal acts; or, (5) that the activities of the licensee created a danger to public health, safety, or welfare.

- F. Duplicate License. Duplicates of all original licenses may be issued by the City Clerk without action by the Council, upon licensee's affidavit that the original has been lost, and upon payment of a fee of \$2.00 for issuance of the duplicate. All duplicate licenses shall be clearly marked.

SEC. 4.04 FIXING LICENSE FEES

Except as otherwise herein provided, all fees for licenses under this Chapter shall be fixed and determined by the Council, adopted by ordinance, and uniformly enforced. Such license fees may, from time-to-time, be amended by the Council by ordinance. A copy of the ordinance setting forth currently effective license fees shall be kept on file in the office of the City Clerk, and open to inspection during regular business hours. For the purpose of fixing such fees, the Council may subdivide and categorize licenses under a specific license requirement, provided that any such subdivision or categorization shall be included in the resolution authorized by this Section.

SEC. 4.05 CARRYING OR POSTING

All solicitors shall at all times when so engaged, carry their license on their person. All other licensees shall post their licenses in their place of business near the licensed activity. All licensees shall display their license upon demand by a City Officer or employee or citizen.

SEC. 4.06 PENALTY FOR PROPERTY OWNERS

It is unlawful for any person to knowingly permit any real property owned or controlled by him/her to be used, without a license, for any business for which a license is required by this Chapter.

SEC. 4.07 RESPONSIBILITY OF LICENSEE

The conduct of agents or employees of a licensee, while engaged in performance of their duties for their principal or employer under such license, shall be deemed the conduct of the licensee.

SEC. 4.08 CONDITIONAL LICENSES

Notwithstanding any provision of law to the contrary, the Council may, upon a finding of the necessity therefore, place such conditions and restrictions upon a license as it, in its discretion, may deem reasonable and justified.

SEC. 4.09 RENEWAL OF LICENSES

Applications for renewal of an existing license shall be made at least sixty (60) days prior to the date of expiration of the license, and shall contain such information as is required by the City. This time requirement may be waived by the Council for good and sufficient cause.

SEC. 4.10 INSURANCE REQUIREMENTS

Whenever insurance is required by a Section of this Chapter, after approval by the Council, but before the license shall issue, the applicant shall file with the City Clerk a policy or certificate of public liability insurance showing (1) that the limits are at least as high as required, (2) that coverage is effective for at least the license term approved, and (3) that such insurance will not be cancelled or terminated without thirty days' written notice served upon the City Clerk. Cancellation or termination of such coverage shall be grounds for license revocation.

SEC. 4.11 LICENSE DENIAL AND FIXING RATES -- HEARING

- A. Right to Deny. The Council reserves to itself the right to deny any application for a license to operate any business licensed or regulated under this Chapter where such business involves service to the public, rates charged for service, use of public streets or other public property by the applicant or public, or the public health, safety and convenience. The Council may also consider the location of such business in making such determination.
- B. Rates. Where, under specific provisions of this Chapter, the Council has reserved to itself the right to fix or approve fees, rates or charges of a licensed or regulated business, such rates shall be uniform for each category or class of service, and no licensee or proprietor of a regulated business shall claim or demand payment in excess thereof.
- C. Hearing. Any applicant or licensee under this Chapter who challenges denial of a license or rates fixed or approved by the Council shall have a right to a hearing before the Council upon written request therefore. Notice of time, place and purpose of such hearing shall be given to such persons and by such means as the Council may determine in calling the hearing.

Solicitors, Peddlers and Transient Merchants

SEC. 4.12 SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS

A. 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 section, the following definitions shall apply.

1. “Peddler” means a person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place, for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise or other personal property that the person is carrying or otherwise transporting. The term peddler shall mean the same as the term hawker.
2. “Person” means any natural individual, group, organization, corporation, partnership or association. As applied to groups, organizations, corporations, partnerships and associations, the term shall include each member, officer, partner, associate, agent or employee.
3. “Regular Business Day” means any day during which the City Hall is normally open for the purpose of conducting public business. Holidays defined by state law shall not be counted as regular business days.
4. “Solicitor” means a person who goes from house-to-house, door-to-door, business- to-business, street-to-street, or any other type of place-to-place, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person’s activity is to obtain or attempt to obtain orders as discussed above. The term shall mean the same as the term “canvasser.”
5. “Transient Merchant” means a person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, or other portable shelter, or empty storefront for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering, goods, wares, products, merchandise or other personal property and who does not remain or intend to remain in any one location for more than 14 consecutive days.

B. Exceptions to Definitions.

1. For the purpose of the requirements of this chapter, the terms PEDDLER,

SOLICITOR, and TRANSIENT MERCHANT shall not apply to any person selling or attempting to sell at wholesale any goods, wares, products, merchandise or other personal property to a retailer of the items being sold by the wholesale. The terms also shall not apply to any person who is personally known by the person being solicited or who is first contacted by the person being solicited.

2. In addition, persons conducting the type of sales commonly known as garage sales, rummage sales, or estate sales, as well as those persons participating in an organized multi-person bazaar, flea market, or festival shall be exempt from the definitions of PEDDLERS, SOLICITORS, and TRANSIENT MERCHANTS, as shall be anyone conducting an auction as a properly licensed auctioneer, or any officer of the court conducting a court-ordered sale. Exemption from the definitions for the scope of this chapter shall not excuse any person from complying with any other applicable statutory provision or local ordinance.
3. Nothing in this section prohibits or restricts door-to-door advocacy. Persons engaging in door-to-door advocacy are not required to register as solicitors under Subd. 6. The term DOOR-TO-DOOR ADVOCACY includes door-to-door canvassing and pamphleteering as a method for the dissemination of religious, political and other ideas.

C. Licensing; Exemptions.

1. County license required. No person shall conduct business as a peddler, solicitor or transient merchant within the city limits without first having obtained the appropriate license from the county as required by Minn. Stat. Ch. 329 as it may be amended from time to time, if the county issues a license for the activity.
2. City license required. Except as otherwise provided for by this section, no person shall conduct business as either a peddler or a transient merchant without first obtaining a license from the city. This license is nontransferable. Solicitors need not be licensed, but are required to register under Subdivision F.
3. Application. Application for a city license to conduct business as a peddler or transient merchant shall be made at least 14 regular business days before the applicant desires to begin conducting business. Application for a license shall be made on a form approved by the City Council and available from the office of the City Clerk. All applications shall be signed by the applicant. All applications shall include the following information:
 - a. Applicant's full legal name.
 - b. All other names under which the applicant conducts business or to which applicant officially answers.
 - c. A physical description of the applicant (hair color, eye color, height,

- weight, distinguishing marks and features, and the like).
- d. Full address and telephone number of applicant's permanent residence.
 - e. Full legal name of any and all business operations owned, managed or operated by applicant, or for which the applicant is an employee or agent.
 - f. Full address and telephone number of applicant's regular place of business (if any).
 - g. The type of business for which the applicant is applying for a license and a general description of the items to be sold or services to be provided.
 - h. Whether the applicant is applying for an annual or daily license.
 - i. The dates during which the applicant intends to conduct business, and if the applicant is applying for a daily license, the number of days he or she will be conducting business in the city (maximum 14 consecutive days).
 - j. Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up business.
 - k. Written permission of the property owner or the property owner's agent for any property to be used by a transient merchant.
 - l. A statement as to whether or not the applicant has been convicted within the last five years of any felony, gross misdemeanor, or misdemeanor for violation of any state or federal statute or any local ordinance, other than traffic offenses.
 - m. A list of the three most recent locations where the applicant has conducted business as a peddler or transient merchant.
 - n. Proof of any required county license.
 - o. A general description of the items to be sold or services to be provided.
 - p. The applicant's driver's license number or other acceptable form of identification.
 - q. The license plate number, registration information and vehicle identification number for any vehicle to be used in conjunction with the licensed business and a description of the vehicle.
 - r. All additional information deemed necessary by the City Council.

4. Fee. All applications for a license under this chapter shall be accompanied by the fee established in the city's fee ordinance.
5. Procedure. Upon receipt of the completed application and payment of the license fee, the City Clerk, within two (2) regular business days, must determine if the application is complete. An application is determined to be complete only if all required information is provided. If the City Clerk determines that the application is incomplete, the City Clerk must inform the applicant what required information is missing. If the application is complete, the City Clerk must order any investigation, including background checks, necessary to verify the information provided with the application. Within ten (10) regular business days of receiving a complete application, the City Clerk must issue the license unless there exist grounds for denying the license under Subd. 4, in which case the Clerk must deny the license. If the City Clerk denies the license, the applicant must be notified in writing of the decision, the reason for denial, and of the applicant's right to appeal the denial by requesting, within twenty (20) days of receiving notice of rejection, a public hearing before the City Council. The City Council shall hear the appeal within twenty (20) days of the date of the request or at its next regular meeting, whichever is later. The decision of the City Council following the public hearing can be appealed by petitioning the Minnesota Court of Appeals for a Writ of Certiorari.
6. Duration. An annual license granted under this chapter shall be valid for one calendar year from the date of issue. All other licenses granted under this chapter shall be valid only during the time period indicated on the license.
7. License Exemptions.
 - a. No license shall be required of any person going from house-to-house, door-to-door, business-to-business, street-to-street, or other type of place-to-place when the activity is for the purpose of exercising that person's State or Federal Constitutional rights such as the freedom of speech, press, religion and the like except that this exemption may be lost if the person's exercise of Constitutional rights is merely incidental to a commercial activity.
 - b. Professional fundraisers working on behalf of an otherwise exempt person or group shall not be exempt from the licensing requirements of this chapter.
 - c. No license shall be required of any person or group that is a tax exempt, transient merchant when it operates in an area of the City zoned commercial or business (B-3) for one period, up to three days in length, per calendar year. Registration is still required pursuant to Subdivision F of this Section. 4. Any person claiming to be exempt from the licensing or

registration requirements of this section shall, when requested, present to the City Clerk proof of qualification for such exemption.

D. License Ineligibility. The following shall be grounds for denying a license under this chapter:

1. The failure of the applicant to obtain and show proof of having obtained any required county license.
2. The failure of the applicant to truthfully provide any of the information requested by the city as a part of the application, or the failure to sign the application, or the failure to pay the required fee at the time of application.
3. The conviction of the applicant within the past five years from the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects on the person's ability to conduct the business for which the license is being sought in an honest and legal manner. Those violations shall include but not be limited to burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.
4. The revocation within the past five years of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor or transient merchant.

E. Suspension and Revocation.

1. Generally. Any license or Certificate of Registration issued under this section may be suspended or revoked at the discretion of the City Council for violation of any of the following:
 - a. Fraud, misrepresentation or incorrect statements on the application form.
 - b. Fraud, misrepresentation or false statements made during the course of the licensed activity.
 - c. Failure to exhibit the license or Certificate of Registration when requested to do so by any prospective customer or city employee.
 - d. Conviction of any offense for which granting of a license could have been denied under Subdivision D.
2. Violation of any provision of this section: Multiple persons under one license. The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person's authority to conduct business as a peddler or transient merchant on

behalf of the licensee whose license is suspended or revoked.

3. Notice. Prior to revoking or suspending any license issued under this chapter, the city shall provide the license holder with written notice of the alleged violations and inform the licensee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application.
 4. Public hearing. Upon receiving the notice provided in section (C) of this subdivision, the licensee shall have the right to request a public hearing. If no request for a hearing is received by the City Clerk within ten regular business days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of mailed notices, service shall be considered complete as of the date the notice is placed in the mail. If a public hearing is requested within the stated timeframe, a hearing shall be scheduled within 20 days from the date of the request. Within three regular business days of the hearing, the City Council shall notify the licensee of its decision.
 5. Emergency. If, in the discretion of the City Council, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant licensed under this chapter, the City Council may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in division (C) of this section.
 6. Appeals. Any person whose license is suspended or revoked under this section shall have the right to appeal that decision in court.
- F. Registration. All solicitors, and any person exempt from the licensing requirements of this chapter under Subdivision B, shall be required to register with the city. Persons engaging in DOOR-TO-DOOR ADVOCACY shall not be required to register. Registration shall be made on the same form required for a license application, but no fee shall be required. Immediately upon completion of the registration form, the City Clerk shall issue to the registrant a Certificate of Registration as proof of the registration. Certificates of Registration are nontransferable.
- A. Prohibited Activities. No peddler, solicitor or transient merchant shall conduct business or otherwise behave in any of the following manners:
1. Calling attention to his or her business or items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.
 2. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way.

3. Conducting business in a way as to create a threat to the health, safety and welfare of any individual or the general public.
 4. Conducting business before 8:00 a.m. or after 9:00 p.m.
 5. Failing to provide proof of identification and license or Certificate of Registration, when requested; or using the license or Certificate of Registration of another person.
 6. Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement. No peddler or transient merchant shall claim to have the endorsement of the city solely based on the city having issued a license to that person.
 7. Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating or abusive.
- H. Exclusion by Placard. No peddler, solicitor or transient merchant, unless invited to do so by the property owner or tenant, shall enter the property of another for the purpose of conducting business as a peddler, solicitor or transient merchant when the property is marked with a sign or placard with print of at least 48 point in size stating “No Peddlers,” “No Solicitors,” “No Transient Merchants,” “Peddlers and Solicitors Prohibited,” or other comparable statement. No person other than the property owner or tenant shall remove, deface or otherwise tamper with any sign or placard under this section.
- I. Penalties.
1. Any person who violates any provision of this section shall, upon conviction, be guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.
 2. The failure of any officer or employee of the city to perform any official duty imposed by this section shall not subject the officer or employee to the penalty imposed for a violation.

Charitable Gaming

SEC. 4.13 GENERAL

- A. Lawful gambling conducted within the City of Hanover pursuant to Minn. Stat. Chapter 349 shall be conducted in accordance with Minnesota Statutes Chapter 349 as it shall be amended from time to time, regulations promulgated by the Minnesota Gambling Control Board in accordance with law, City Code, and all other applicable ordinances of the City of Hanover.
- B. If the provisions of this Section conflict with any of the laws or regulations referred to Subdivision 1 of this section, the most stringent shall apply.

SEC. 4.14 DEFINITIONS

- A. The definitions set forth in Minn. Stat. 349.12, as that section may be amended from time to time, are hereby adopted by reference.
- B. “Hanover Trade Area” shall mean the geographic area including the City of Hanover, City of Greenfield, City of Corcoran, City of St. Michael and the portion of Rockford Township served by the Hanover Fire Department pursuant to Contract.
- C. “Net Proceeds” shall mean, for purposes of Section 4.21(A), all proceeds of the gambling activities, less reasonable sums necessarily and actually expended for prizes, less reasonable sums actually expended for allowance expenses and less combined receipt taxes.

SEC. 4.15 PREMISES PERMITS

- A. Upon receipt of the pending application for a premises permit, the City Council shall, within the time allowed by Minn. Stat. Chapter 349 or Minnesota Gambling Control Board Regulations, adopt a resolution either approving or disapproving the application.
- B. Failure of the City Council to take action on an application within the time allowed by law shall be deemed an approval.
- C. The City Council may disapprove an application for any of the following reasons:
 - 1. Violation by the applicant of any statute, rule, regulation or ordinance relating to gambling or any other ordinance, statute, regulation or rule referred to in this section.
 - 2. If the applicant is a tenant, violation by the landlord of any statute, ordinance, sale

or regulation regarding operation of the establishment including, but not limited to, laws relating to alcoholic beverages, gambling, controlled substances, suppression, vice and protection of public safety.

3. Failure by the applicant to make adequate corrections in response to an audit report;
4. Failure to make reports required by any applicable ordinance, rule, regulation or statute;
5. Gambling at the proposed site would be detrimental to health, safety, or welfare;
6. Any reason which would justify the Minnesota Gambling Control Board in denying an application for a license.

SEC. 4.16 GAMBLING OPERATIONS

- A. An organization may conduct licensed gambling only on a premises it owns or leases.
- B. Gambling licenses shall be limited to one licensed gambling organization at any one time on any licensed premises. For purposes of this section, any property having a property identification number for real estate tax purposes shall be a single premises.
- C. No licensed gambling organization shall be licensed at more than one location within the city of Hanover except that the City Council may authorize and recommend issuance of a second license to an organization where issuance would be in the best interest of the City. In determining the best interest of the City, the City Council shall consider the following factors:
 1. If there is another qualified applicant for a license at the location, and that other applicant has no license in the City of Hanover, then the request for the second license shall be denied. Before a second license may be issued, the owner of the property on which the gambling activity is proposed to occur shall demonstrate to the Council that he/she has made reasonable efforts under the circumstances to locate qualified applicants who have no license within the City.
 2. The ability of the applicant to operate at more than one location.
 3. The applicant's performance at its first location.
 4. The extent to which the applicant has used gambling proceeds within the Hanover trade area.
 5. The length of time, and extent to which applicant has been involved in charitable gambling activities.

- D. No licensed gambling organization shall pay more than \$1,375 rent per month including utilities, janitorial expense, garbage disposal, maintenance and repair, whether paid to the landlord or other persons. This rent per month is effective through December 31, 2003, after which the Hanover City Council may amend this provision.
- E. No employees or agents of the licensed gambling organization and, if the organization is a tenant, the landlord, may engage in gambling on the licensed premises.
- F. No organization shall be licensed within the City unless such organization has a minimum of five active members who reside within the Hanover trade area. Upon application for license the applicant shall submit to the City a complete and current list of all its active members and their telephone numbers and addresses. Those members who reside within the City shall be deemed the applicant's agents for the purpose of receiving notices and complaints regarding gambling operations in the City.
- G. Each licensed organization must designate a gambling manager. The gambling manager shall be responsible for the lawful conduct of all gambling.

SEC. 4.17 DONATIONS REQUIRED

- A. All organizations conducting lawful gambling within the City, with or without a license, shall spend 50% of its net proceeds on lawful purposes (as defined by applicable Minnesota laws and regulations) within the Hanover trade area within the same calendar year that such proceeds are received by the organization conducting the charitable gambling. Any expenditures made during January of any year may, at the option of the charitable organization, be deemed to have been made in a prior calendar year to the extent necessary to meet the requirements of this subdivision. Any donation made to Independent School Districts 883, 877 and 885 shall be conclusively deemed to have been made within the Hanover Trade Area whether or not the school district uses the funds within the Hanover Trade Area. A licensed organization may request relief from this provision. The City Council may in its sole discretion grant such relief when circumstances warrant.
- B. All organizations conducting lawful gambling within the City shall provide the City Clerk with copies of all reports it provides to the charitable gambling control board. The City Clerk may require such additional documentation as the Clerk may deem reasonably necessary to prove that organizations have met the requirements of this section.
- C. If any organization shall fail to make any payments required by this section or fail to provide the City Clerk with reports, as required by this section, such failure shall be grounds for the City to recommend to the charitable gambling control board that the gambling license for the organization be suspended, revoked, or not renewed.

Tattooing and Body Piercing

SEC. 4.18 TATTOOING AND BODY PIERCING

- A. Applicability and Purpose. This Section shall apply to tattoo artists and body piercers and the practice of tattooing and body piercing. The purpose and intent of this Section is to establish rules, regulations, and standards for tattooing and body piercing in the City of Hanover.
- B. Definitions.
1. “Aftercare” means the written instructions given to the patron or client, specific to the tattoo or body piercing procedure(s) rendered, regarding caring for the tattoo and surrounding area or piercing, and when to seek medical treatment.
 2. “Antiseptic” means an agent that destroys disease-causing microorganisms on human skin.
 3. “Aseptic technique” means the use of a procedure to minimize or eliminate exposure of surfaces to contaminating agents.
 4. “Autoclave” means a device which automatically achieves and maintains time, temperature, and pressure requirements for sterilization.
 5. “Body piercer or piercer” means any person engaged in the practice of body piercing.
 6. “Body piercing or piercing” means the puncturing or penetration of the skin and tissue of a person and insertion of jewelry or other adornment into the opening, except puncturing the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.
 7. “Branding” means a mark made by intentional burning with a hot iron or other instrument.
 8. “Establishment” is any location where tattooing, piercing, or both are practiced.
 9. “Foot candle” is a measurement of illumination where one unit is equal to the light of a candle at a distance of one foot.
 10. “Implant” means to fix or set securely an object, including three-dimensional body art applications, in or under tissue. Implanting does not include medical procedures including but not limited to pacemaker insertion, cosmetic surgery, and reconstructive surgery performed by licensed medical personnel.

11. “Patron/Client” is a person receiving a tattoo or body piercing.
 12. “Scarification” is a mark left (as in the skin) by the healing of deliberately injured tissue.
 13. “Sharps container” is a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and is labeled with the international “biohazard” symbol.
 14. “Suspension” means the piercing of human tissue with large gauge fishing hooks or other piercing apparatus and subsequent hanging of the human body in mid air with the body being lowered and raised off the ground by pulleys or other raising/lowering apparatus.
 15. “Tattooing” means any method of placing ink or other pigment into or under the skin by the aid of needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin. This also includes all forms of cosmetic tattooing.
 16. “Tattooist” is any person engaged in the practice of tattooing.
 17. “Temporary facility” is a single building, structure, area or location where a tattoo artist or body piercer performs tattooing or body piercing for a maximum designated time.
- C. Administration. The provisions of this Section shall be administered by or under the direction of the health officer or duly authorized designee appointed by the City of Hanover. This officer or designee shall, after proper identification, have the right to enter, at reasonable hours, the premises affected by this ordinance to inspect the premises, examine and copy relevant documents and records, and/or obtain photographic or other evidence needed to enforce the provisions of this ordinance.
- D. Tattooing and/or Body Piercing Permit/License Required. No person shall engage in the practice of tattooing or body piercing or shall carry on the business of operating a tattoo or body piercing establishment or temporary facility within the City of Hanover without a valid permit/license issued by the City. Each and every such establishment shall be required to have such a permit. Permits/licenses are nontransferable. The permit/license shall be posted in a conspicuous place in the tattoo or body piercing establishment. A separate permit/license shall also be required for each tattoo artist or body piercer engaged in the practice of tattooing or body piercing. A separate permit/license shall also be required for each temporary facility.
- E. Health and Sanitary Requirements. No tattooist, tattoo establishment, piercer, or piercing establishment shall engage in the practice of tattooing or piercing without complying with the following regulations:

1. Premises.

- a. Floor and ceiling surfaces in the room in which the tattoo or body piercing is administered shall be solid, smooth, and washable. Carpet is prohibited.
- b. All tables, chairs, and furniture which may be exposed to blood or bodily fluids during tattooing or piercing shall be constructed of stainless steel or another solid surface which allows for complete sanitization. Surfaces exposed to blood or bodily fluids shall be sanitized between uses.
- c. A hand washing facility supplied with hot and cold water under pressure, soap, and a single service towel shall be conveniently located in the tattoo or body piercing area in addition to what is provided in the toilet room.
- d. Waste containers with non-absorbent, durable plastic liners shall be used for all tissues, towels, gauze pads, and other similar items used on the patron/client. Disposal of infectious wastes is required.
- e. Adequate cabinets with washable surfaces shall be provided for exclusive storage of instruments, dyes, pigments, stencils, and other equipment used in the practice of tattooing or body piercing.
- f. All tattoo or body piercing facilities shall be maintained in a clean, sanitary condition.
- g. The tattoo or body piercing facility application area where the procedure is performed shall be adequately lighted to a minimum of 50 foot candles.
- h. Tattooing or body piercing shall be performed by a tattoo artist or body piercer in a tattoo or body piercing establishment completely separated from any living quarters by a solid, permanent wall or door. A solid door in a tattoo or body piercing establishment leading to living quarters must remain closed during business hours. A direct outside entrance to the tattoo or body piercing establishment shall be provided.

2. Equipment.

- a. All tattoo or body piercing facilities shall be equipped with an autoclave which is in good working order and which is manufactured with temperature and/or pressure gauges marked and visible on the outside of the unit. Inspections of the autoclave each day that the establishment is open for business must be documented and available for review.
- b. All instruments used in the practice of tattooing or body piercing shall be sterilized before use.

- 1) All instruments shall be thoroughly cleaned before being sterilized. This may be done with an ultrasonic cleaner or with a probe, needles, or brush able to enter the smallest opening of the instrument. Instruments shall be cleaned with detergent and hot water or other approved method.
 - 2) All instruments used in the tattoo or body piercing procedure shall be stored in a clean, dry manner after sterilization and handled in a manner to prevent recontamination.
- c. Needles shall be sterile and disposable. Each needle shall be used only once on a single patron. Used needles shall be discarded in an approved biohazard sharps container.
- d. Stencils.
- 1) Plastic stencils shall be thoroughly cleaned with soap and water and sanitized after each use. The stencils shall be immersed for 30 minutes in a chlorine disinfectant solution.
 - 2) Prior to use, each pre-cleaned and sanitized plastic stencil shall be rinsed in a 40 percent isopropyl alcohol solution and allowed to air dry.
 - 3) Paper stencils shall be used only once on a single individual.
- e. Dyes and Inks.
- 1) The licensee shall submit in writing to the health officer the source of all dyes and inks use to administer tattoos.
 - 2) Non-toxic dyes or inks shall be taken from effectively covered squeeze bottle containers that are easy to clean and disinfect.
 - 3) Immediately before applying a tattoo, the dye to be used for the tattoo shall be squeezed from the dye bottles into disposable cups. The disposable cups shall be stored and handled in a manner to prevent them from becoming contaminated. Upon completion of the tattoo, the cups and dye shall be discarded. Any dye in which the needles were dipped shall not be used on another person.
- f. All body jewelry shall be sterilized before use.

3. Skin Care.

- a. Aseptic techniques shall be utilized in the practice of tattooing and body piercing as follows:
 - 1) Each tattoo artist or body piercer shall scrub his or her hands with liquid soap and water thoroughly before commencing tattooing or body piercing on a patron.
 - 2) If the patron's skin is to be shaved, the skin shall be washed with an antiseptic skin cleanser before shaving. A safety razor shall be used. Reusable blade holders shall be sterilized after each use. If disposable blade holders are used, they shall be used on only one patron and then must be discarded in an approved biohazard sharps container.
 - 3) The skin area to be tattooed or pierced shall first be cleansed with soap and water and then prepared with antiseptic, such as 40 percent alcohol, and allowed to air dry.
 - 4) Single-use gauze pads or towels shall be used in skin cleaning and preparation.
 - 5) Petroleum jelly applied on the tattoo area shall be dispensed from a single use disposable applicator.
- b. After completion of the tattoo or body piercing, only antibacterial ointments shall be applied on the affected area. Sterile dressings shall be used on each completed tattoo or body piercing.
- c. Persons tattooed or body pierced shall be provided with printed instructions regarding tattoo or body piercing care for the healing process.

4. General Supplies.

- a. All tattoo or body piercing facilities shall have clean, laundered towels, washcloths or disposable paper towels in sufficient quantity for the sanitary operation of the practice of tattooing or body piercing.
- b. A clean towel and washcloth shall be used for each patron.
- c. Clean towels and washcloths shall be stored in an approved covered container.

- d. Soiled towels and wash cloths shall be stored in an approved covered container.
 - e. All tattoo artists or body piercers shall wear clean, washable garments.
 - f. The operating table, chair, and supply tables shall be constructed of a material capable of being easily and thoroughly cleaned and disinfected.
5. Tattoo Artist and Body Piercer Requirements.
- a. Tattoo artists and body piercers shall be at least 18 years of age.
 - b. Tattoo artists or body piercers shall be free of infectious or contagious disease that may be transmitted by the practice of tattooing or body piercing.
 - c. Tattoo artists or body piercers with open sores or skin infections on either hand shall not be permitted to engage in the practice of tattooing or body piercing.
 - d. Tattoo artists or body piercers shall wear single-use disposable latex or vinyl gloves during the tattooing or body piercing.
 - e. Smoking or consumption of food or drink shall not be allowed in the immediate area where the tattoo or body piercing is being performed.
 - f. Tattoo artists or body piercers shall wash their hands thoroughly with liquid soap and water before any skin preparation, tattooing, or body piercing and after removing gloves. The hands shall be dried with individual single-service towels.
 - g. No animals, except guide dogs, shall be allowed in the immediate area where the tattoo or body piercing is being performed.
 - h. The work areas, such as counter tops, must be cleaned and wiped with a disinfectant between patrons and at the beginning and end of each work day.
 - i. Physical examination of tattoo artists or body piercers.
 - 1) The City shall have the power to require any tattoo artist or body piercer to submit to a practicing physician for a physical examination whenever the tattoo artist or body piercer is reasonably suspected of having any infectious or contagious disease that may be transmitted by the practice of tattooing or body piercing. The expense of the physical exam shall be the

responsibility of the tattoo artist or body piercer. All medical records shall remain confidential, except as otherwise provided by law.

- 2) Failure to obtain the required physical examination shall result in suspension or revocation of the tattoo artist or body piercing permit.

F. Limitations.

1. Consent. A tattooist or body piercer may not tattoo or pierce a patron without first obtaining the signed, informed consent of the patron.
 - a. The consent form must advise the patron/client that any tattoo should be considered permanent, that it can only be removed with a surgical procedure, and that any effective removal may leave scarring, and that a piercing may leave scarring.
2. Minors.
 - a. No person under 16 years of age may receive a body piercing, unless for the navel if accompanied by a consenting parent or legal guardian. As provided in the definitions to this section, body piercings do not include piercings of the outer perimeter of the ear lobe using a pre-sterilized single use stud and clasp ear piercing system. Thus, this provision does not pertain to or restrict such ear piercings.
 - b. No person 16 or 17 years of age may receive a body piercing unless accompanied by a consenting parent or legal guardian.
 - c. No person under 18 years of age may receive a tattoo unless the person is accompanied by a consenting parent or legal guardian and provides written consent to the tattoo by both the custodial and noncustodial parents, where applicable.
 - d. A tattooist or body piercer shall not pierce the genitalia or nipples of any person under 18 years of age.
 - e. A body piercing establishment shall post a notice in a conspicuous place in the establishment that no person 16 or 17 years of age may receive a body piercing without being accompanied by a parent or legal guardian and that no person under 16 years of age may receive a body piercing, unless for the navel if accompanied by a consenting parent or legal guardian.
 - f. A tattoo establishment shall post a sign in a conspicuous place in the establishment stating that no person under 18 years of age may be tattooed

without the signed, informed consent of that person’s parent or legal guardian.

- g. A tattooist or body piercer may not tattoo or body pierce any of the following:
 - 1) A person who appears to be under the influence of alcohol or a mind altering drug.
 - 2) A person with an evident skin infection or other skin disease or condition, including, but not limited to rashes, acne, boils, or infections in the area of the proposed tattoo or piercing.
 - 3) A person suspected of having jaundice or hepatitis or who has recovered from jaundice or hepatitis within the preceding six months.

G. Prohibitions.

- 1. Tattooist or body piercer shall not engage in the branding, implantation, suspension, or scarification of another person.
- 2. A tattooist or body piercer shall not engage in the practice of tattooing or body piercing while under the influence of alcohol or controlled substances as defined in Minnesota Statutes §152.01, as it may be amended from time to time.

H. Violations.

- 1. A person who is alleged to have violated a provision of this section shall be charged with a misdemeanor, unless otherwise provided herein, and shall be punished therefore as provided by law.
- 2. An establishment which violates a standard provided herein may be subject to the suspension or revocation of the permit/license for operating the facility.

PawnbrokersSEC. 4.19 PAWNBROKERS

- A. 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 purpose of this section 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 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 section also implements and establishes the required use of the automated pawn system (APS).

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

1. “Pawnbroker” means 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 within a fixed period of time; 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 also includes buying personal property previously used, rented or leased, or selling it on consignment, the provisions of this chapter shall be applicable.

The following are expressly exempt from the definition of “pawnbroker”: any bank regulated by the state of Minnesota, the comptroller of the currency of the United States, the Federal Deposit Insurance Corporation, the board of governors of the Federal Reserve System, or any other federal or state authority and their affiliates; any bank or savings association whose deposits or accounts are eligible for insurance by the Federal Deposit Insurance Corporation or any successor to it and all affiliates of those banks and savings associations; any state or federally chartered credit union; any industrial loan and thrift company or regulated lender subject to licensing and regulation by the department of commerce; and antique and second hand goods dealers, so long as they do not engage in the activities of a “pawnbroker” as defined herein.

2. “Reportable transaction” means 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, is reportable except:
 - a. The bulk purchase or consignment of new or used merchandise from a merchant, manufacturer or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the pawnbroker must maintain a record of such purchase or consignment which describes each item, and must mark each item in a manner which relates it to that transaction record.
 - b. Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.
 3. “Billable transaction” means 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.
- C. 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 locations.
- D. License fees.
1. The annual license fees for licenses issued under this chapter shall be established by City Council resolution within the following parameters. The billable transaction license fee shall reflect the cost of processing transactions electronically and manually and other related regulatory expenses as determined by the City Council, and shall be reviewed and adjusted, if necessary, at least annually. Licensees shall be notified in writing thirty (30) days before any adjustment is implemented.
 2. 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.
- E. Investigation fee. An applicant for a new license under this chapter, or for the renewal of an existing license that is more than six (6) months past due, shall deposit an investigation fee deposit with the City Clerk at the time an original application is submitted to cover the costs involved in verifying the license application and to cover the expense of any investigation needed to assure compliance with this chapter. The deposit and the actual investigation fee guidelines shall be established by resolution of the City Council.

F. Expiration of license. All licenses shall expire on December 31.

G. Application required.

1. 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:
 - a. If the applicant is a natural person.
 - 1) The name, place and date of birth, street resident address, and phone number of applicant.
 - 2) Whether the applicant is a citizen of the United States or resident alien.
 - 3) 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.
 - 4) 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.
 - 5) Any street address at which the applicant has lived during the preceding five (5) years.
 - 6) 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.
 - 7) Whether the applicant has ever been convicted of a felony, misdemeanor, 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.
 - 8) The physical description of the applicant.
 - 9) Applicant's current personal financial statement and true copies of the applicant's federal and state tax returns for the two (2) years prior to application.

- 10) 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 1 through 8 of Subd. G(1) of this section.

b. If the applicant is a partnership.

- 1) The name(s) and address(es) of all general and limited partners and all information concerning each general partner required in Subd. G(1)(A) of this section.
- 2) The name(s) of the managing partner(s) and the interest of each partner in the licensed business.
- 3) 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, a certified copy of such certificate must be attached to the application.
- 4) A true copy of the federal and state tax returns for partnership for the two (2) years prior to application.
- 5) 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 1 through 8 of Subd. G(1) of this section.

c. If the applicant is a corporation or other organization.

- 1) The name of the corporation or business form and, if incorporated, the state of incorporation.
- 2) 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, must be attached.
- 3) 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 1 through 8 of Subd. G(1) of this section.
- 4) A list of all persons who control or own an interest in excess of five (5) percent in such organization or business form or who are officers of the corporation or business form and all information concerning said persons required in Subd. G(1) above. This Subd.

G(1)(c)(4), however, shall not apply to a corporation whose stock is publicly traded on a stock exchange and is applying for a license to be owned and operated by it.

d. For all applicants.

- 1) Whether the applicant holds a current pawnbroker, precious metal dealer or secondhand goods dealer license from any other governmental unit.
- 2) 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.
- 3) The location of the business premises.
- 4) If the applicant does not own the business premises, a true and complete copy of the executed lease.
- 5) The legal description of the premises to be licensed.
- 6) Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts that are unpaid.
- 7) Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed.
- 8) The applicant's social security number and Minnesota business identification number.
- 9) Such other information as the City Council may require.

e. New manager. When a licensee places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the licensee must complete and submit the appropriate application, on forms provided by the City Clerk, within fourteen (14) days. The application must include all appropriate information required in Subd. G. Upon completion of an investigation of a new manager, the licensee must pay an amount equal to the cost of the investigation as established by Council resolution to assure compliance with this chapter.

2. Application execution. All applications for a license under this section 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.

 3. Investigation. The City Clerk shall investigate the truthfulness of the statements set forth in the application and shall endorse the findings thereon. The applicant must furnish to the Clerk such evidence as the Clerk may reasonably require in support of the statements set forth in the application.

 4. Persons ineligible for a license. No licenses under this chapter will be issued to an applicant who is a natural person, a partnership if such applicant has any general partner or managing partner, a corporation or other organization if such applicant has any manager, proprietor or agent in charge of the business to be licensed, if the applicant:
 - 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, 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; or
 - c. Is not of good moral character or repute.
- H. 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 City Clerk. 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 City Clerk.

The bond may be used to reimburse losses as a result of violations of this ordinance. In the event losses exceed the amount of the bond, those who suffered losses will be reimbursed based on a pro-rated share of losses reported within fourteen (14) days of the discovery of the alleged violations and on a first come first serve basis after that time. In the event losses are less than the amount of the bond, the City may use the bond to defer costs directly incurred in enforcing this ordinance against the licensee as a result of the violations.

- I. 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 in a computerized record approved by the City:
1. A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
 2. The purchase price, amount of money loaned upon, or pledged therefore.
 3. The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.
 4. Date, time and place the item of property was received by the licensee, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records.
 5. Full name, residence address, residence telephone number, date of birth and accurate description of the person from whom the item of the property was received, including: sex, height, weight, race, color of eyes and color of hair.
 6. The identification number and state of issue from any of the following forms of identification of the seller:
 - a. Current valid Minnesota driver's license.
 - b. Current valid Minnesota identification card.
 - c. Current valid photo identification card issued by another state or province of Canada.
 7. The signature of the person identified in the transaction.
 8. The licensee must also take a color photograph or color video recording of:
 - a. Each customer involved in a billable transaction.
 - b. Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed.

If a photograph is taken, it must be at least two (2) inches in length by two (2) inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to law enforcement officials 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 on the premises. If a video photograph is taken, the video camera must zoom in on the person pawning or selling the item so as to include an identifiable close-up of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee must inform the person that he or she is being videotaped 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.

- c. Digitized photographs. Licensees may fulfill the color photograph requirements in Subd. I(8) by submitting them as digital images, in a format specified by the issuing authority, electronically cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not alter or amend the requirements in Subd.I(8).
- d. 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.
- e. Inspection of records. The records must at all reasonable times be open to inspection by the City. 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.

J. 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:

1. The name, address and telephone number of the licensed business.
2. The date and time the item was received by the licensee.
3. Whether the item was pawned or sold, or the nature of the transaction.
4. 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.
5. The signature or unique identifier of the licensee or employee that conducted the transaction.

6. The amount advanced or paid.
 7. The monthly and annual interest rates, including all pawn fees and charges.
 8. The last regular day of business by which the item must be redeemed by the pledgor without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date.
 9. The full name, residence address, residence telephone number, and date of birth of the pledgor or seller.
 10. The identification number and state of issue from any of the following forms of identification of the seller:
 - a. Current valid Minnesota driver's license.
 - b. Current valid Minnesota identification card.
 11. Current valid photo driver's license or identification card issued by another state or a province of Canada;
 12. Description of the pledgor or seller including approximate sex, height, weight, race, color of eyes and color of hair.
 13. The signature of the pledgor or seller.
 14. All printed statements as required by State Statute.
- K. Redemption period. Any person pledging, pawning or depositing an item for security must have a minimum of sixty (60) days from the date of that transaction to redeem the item before it may be forfeited and sold. 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 pledgor at the time of the initial transaction and signed by the pledgor. Written authorization for release of property to persons other than original pledgor must be maintained along with original transaction record in accordance with Subd. I.
- L. Holding period. Any item purchased by a licensee must not be sold or otherwise transferred for thirty-one (31) days from the date of the transaction.
- M. Removal. During the sixty (60) day redemption period, items may not be removed from the licensed location except as permitted under Subd. T or under the following circumstances:

1. A pawnbroker is permitted to return the pledged goods to the borrower at any time during the sixty (60) day redemption period.
2. A pawnbroker is permitted to sell the pledged goods or remove the pledged goods from the pawnshop premises or other storage at any time after the expiration of the sixty (60) day redemption period.
3. A pawnbroker who purchases goods not involving a pawn transaction is permitted to sell or remove the purchased goods from the pawnshop premises or other storage 31 days or later from the purchase transaction date.

N. Return of goods. Pawnbrokers must return pledged goods to a pledgor or seller, or provide compensation for lost or damaged goods, upon payment of the full amount due the pawnbroker unless either:

1. The date of redemption is sixty (60) days past the date of the pawn transaction, renewal, or extension and the pawnbroker has sold the goods as permitted under Subd. M(2)..
2. The pledged goods have been taken into custody by a court or law enforcement officer or agency.

O. Police order to hold property.

1. 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 within 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 Subd. O(2) or Subd. O(3), whichever comes first.
2. Order to hold. Whenever a law enforcement official notifies a licensee not to sell an item, the item must not be sold or removed from the licensed premises until authorized in writing to be released by a law enforcement official. The hold order shall be confirmed in writing within seventy-two (72) hours. The order to hold shall expire ninety (90) days from the date it is placed unless the law enforcement official determines the hold is still necessary and notifies the licensee in writing.
3. Order to confiscate. If an item is identified as stolen or evidence in a criminal case, a law enforcement official may:
 - a. Physically confiscate and remove it from the shop, pursuant to a written order from a law enforcement official, or

- b. Place the item on hold or extend the hold as provided in Subd. O(2), and leave it in the shop. When an item is confiscated, the person doing so 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 law enforcement officials shall so notify the licensee.
- P. 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 Subd. T, during normal business hours, except that they may enter at any time in an emergency, for the purpose of inspecting such premises and inspecting the items, warehouse and merchandise and records therein to verify compliance with this chapter or other applicable laws.
- Q. Label required. Licensees 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 whichever is applicable, and the date the item is out of pawn or can be sold, if applicable. Labels shall not be re-used.
- R. Prohibited acts.
1. 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.
 2. No licensee may receive any goods from a person of unsound mind or an intoxicated person.
 3. 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.
 4. 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.
 5. No person may pawn or sell, or attempt to pawn or sell, goods that they do not have a legal undivided ownership interest in.
 6. No person may make false statements or representations regarding the ownership of items to be sold or pawned, nor may any person provide falsified or altered forms of identification to a pawnbroker.

- S. Denial, suspension or revocation. Any license under this chapter may be denied, suspended or revoked for one or more of the following reasons:
1. The proposed use does not comply with the City or State Statutes relating to the location of Pawnbrokers.
 2. The proposed use does not comply with any health, building, building maintenance or other provisions of this Code or state law.
 3. The applicant or licensee has failed to comply with one or more provisions of this chapter.
 4. 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.
 5. Fraud, misrepresentation or bribery in securing or renewing a license.
 6. Fraud, misrepresentation or false statements made in the application and investigation for, or in the course of, the applicant's business.
 7. 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.
 8. The owner of the premises licensed or to be licensed would not qualify for a license under the terms of this chapter.
- T. 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 City may approve an off-site locked and secured storage facility. The licensee shall permit inspection of the facility in accordance with Subd. P. 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 premises which extends for more than six (6) months.
- U. Severability. Should any subsection, clause or other provision of this Section 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.

Solid Waste CollectionSEC. 4.20 SOLID WASTE COLLECTION

It is the intent of the City Council, by means of this Ordinance, to establish a system of complete regular garbage, other refuse, special wastes and yard waste collection throughout the City. The system is intended to assure that the disposal of such materials is accomplished in a sanitary and environmentally acceptable manner and that the health of the residents of the City is properly safeguarded.

SEC. 4.21 DEFINITIONS

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

- A. “Commercial Establishment” is any premises where a commercial or industrial enterprise of any kind is carried on including, but not be limited to retail trade and services, motels, office buildings, manufacturing plants, nursing homes, churches and schools.
- B. “Curbside” means the area of public right-of-way between the property line and the curb or edge of the street, but not on the street.
- C. “Garbage” means animal and vegetable waste resulting from the handling, preparation, cooking, serving and consumption of food.
- D. “Multiple Residential Dwelling” is any building containing more than four (4) dwelling units, except townhouses, with individual kitchen facilities for each unit.
- E. “Other Refuse” is ashes, rags, brush and tree trimmings less than six inches (6”) in diameter, nonrecyclable glass, cans, paper, boxes and similar wastes.
- F. “Person” means individuals, partnerships, corporations and other legal entities.
- G. “Recyclables” are materials which may be recycled or reused through recycling processes.
- H. “Residential Dwelling” is any building containing one to four (1 to 4) dwelling units (single-family, duplex, triplex and fourplex) and any building with up to eight (8) dwelling units contiguous to each other (townhouses) sharing no more than two (2) common walls, such building to be of the row house type as contrasted to multiple dwelling apartment structures.
- I. “Solid Waste” means garbage, other refuse, special wastes, yard wastes and other discarded solid material resulting from residential, industrial and commercial operations

and from community activities.

- J. “Solid Waste Hauler” is a collector or transporter of solid waste.
- K. “Special Waste” means large appliances, furniture, oversized materials including mattresses and carpeting, automotive parts including tires and batteries, scrap metal, brush and tree trimmings more than six inches (6”) in diameter, tree stumps, Christmas trees, construction and demolition debris and other materials collected, processed and disposed of as a separate waste stream.
- L. “Yard Waste” means lawn clippings, leaves, weeds, garden wastes and soft bodied plants.
- M. “Zone” is a residential area in which garbage, other refuse, special waste and yard waste is collected on the same day, the boundaries and day of collection of which are established by the City Council.

SEC. 4.22 LICENSE FOR HAULER REQUIRED

No person shall act as a solid waste hauler in the City without first obtaining the appropriate license issued by the City. Any person desiring a license to collect solid waste in the City shall submit a completed license application form along with the license fee and certificate of insurance required in Section 4 hereof.

The City hereby determines that a limit on the number of licenses is necessary and appropriate in order to assure proper inspection and control, minimize wear on public streets, and provide for public vehicular and non-vehicular safety. Therefore, a limit of six (6) licenses shall be issued for solid waste collection.

SEC. 4.23 REQUIREMENTS FOR LICENSE

- A. License Fee. Payment of the license fee as prescribed from time to time by the City Council shall be required prior to issuance of such license.
- B. Liability Insurance. Before a solid waste hauler license shall be issued, the applicant shall provide a certificate of liability insurance for all vehicles in at least the sum of Six Hundred Thousand Dollars (\$600,000.00) for bodily injury damage and Two Hundred Thousand Dollars (\$200,000.00) for property damage.
- C. Workers’ Compensation Insurance. Before a solid waste hauler license shall be issued, the applicant shall file with the City a certificate indicating statutory workers’ compensation coverage or evidence of self-insured status approved by the State of Minnesota¹.

¹ M.S.A. § 187.121.

- D. Minimum Services. Before a solid waste hauler license may be issued, an applicant shall provide the following minimum services at a price indicated on the application form:
1. Residential Dwellings.
 - a. Weekly collection of garbage and other refuse to be disposed of at a proper waste disposal site.
 - b. Weekly collection of yard waste to be disposed of according to law.
 - c. Monthly collection of special waste to be disposed of according to law.
 - d. At least three (3) different volume-based rates including thirty-two (32) gallon, sixty-four (64) gallon and ninety-six (96) gallon service per week.
 - e. Walk-up service for those customers who request it.
 2. Multiple Residential Dwellings and Commercial Establishments.
 - a. Weekly collection of garbage and other refuse to be disposed of at a licensed waste disposal site.
 - b. Weekly collection of yard waste to be disposed of according to law.
 - c. Monthly collection of special waste to be disposed of according to law.
- E. Schedule of Rates. Before a solid waste hauler license shall be issued, the applicant shall file a schedule of rates to be charged during the licensing period for which the application is made. Every licensee shall provide written notification to the City and the licensee's customers at least sixty (60) days in advance of any change in rates to be implemented during the license period.

SEC. 4.24 EXPIRATION OF LICENSE

All licenses shall expire annually on December 31.

SEC. 4.25 REVOCATION

A licensee's failure to comply with the provisions of this Section or any of the conditions attached to the license shall be grounds for license revocation without refund of the license fee.

SEC. 4.26 HAULER’S EQUIPMENT

Licensees shall use equipment so constructed that the solid waste material shall not leak or spill during transport to the disposal site. The equipment shall be kept clean and as free from offensive odors as possible and shall not be allowed to stand in any street or in any public place longer than is necessary to collect the solid waste materials. The licensee shall also ensure that the collection site is left free of litter.

SEC. 4.27 REPORT TO CITY

Licensees shall submit to the City a semi-annual report summarizing their business in the City on a form provided for such purpose. Upon request, licensee shall provide documentation supporting the data reported to the City.

SEC. 4.28 COLLECTION REQUIRED

Every single residential dwelling, multiple residential dwelling, commercial establishment and any other establishment generating solid waste shall make arrangements for the collection and disposal of solid wastes with a hauler licensed to do business in the City. Exceptions may be approved by the City Council for environmentally sound alternatives.

SEC. 4.29 RESIDENTIAL DWELLING ZONES

The City shall be divided into zones by the City Council for solid waste collection from residential dwellings. The entire City may be declared by the Council to be a single zone. Solid waste from those residential dwellings within each zone shall be collected on the same day.

SEC. 4.30 DATE AND TIME OF COLLECTION

Licensees may collect solid waste on the days in a given zone as established from time to time by the City Council. Collection of solid waste shall occur only during the following times:

Monday – Friday	7:00 a.m. -- 6:00 p.m.
Saturday and Sunday	8:00 a.m. -- 6:00 p.m.

SEC. 4.31 PREPARATION FOR COLLECTION

Garbage, other refuse, yard waste and special waste must be separated for solid waste collection as follows:

- A. Garbage and Other Refuse. Garbage and other refuse shall be placed in containers that

are watertight with a tight-fitting lid and impervious to insects, rodents, vermin and the absorption of moisture.

- B. Yard Waste. Yard waste shall be bagged separately for collection.
- C. Special Waste. Special waste shall be separately placed out for collection.

SEC. 4.32 PLACEMENT OF CONTAINERS

- A. Residential Dwellings. Garbage containers, other refuse, yard waste and special waste at residential dwellings shall be out of public view except on the day of pickup. Such solid waste containers may be placed at curbside for collection (unless walk-up arrangements have been made with the hauler) prior to seven o'clock (7:00) a.m. At no time shall solid waste containers or containers remain on curbside for longer than twenty-four (24) consecutive hours.
- B. Multiple Residential Dwellings and Commercial Establishments. Garbage containers, other refuse, yard waste and special waste at multiple residential dwellings and commercial establishments shall be out of public view.

Recycling

SEC. 4.33 RECYCLING COLLECTION

It is the intent of the City, by means of this Section, to establish a system of curbside recycling for Residential Dwellings and Multi-Family Complexes in the City.

SEC. 4.34 DEFINITIONS

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

- A. “Curbside” means the area of public right-of-way between the property line and the curb or edge of the street, but not on the street.
- B. “Curbside Recycling” means the regularly scheduled collection of targeted recyclables by a recycling contractor selected by the City.
- C. “Multi-Family Complexes” means a dwelling unit, or series of dwelling units, such as an apartment complex, that does not fit the definition of Residential Dwelling in this Section.
- D. “Person” means individuals, partnerships, corporations and other legal entities.
- E. “Recyclables” are materials which may be recycled or reused through recycling processes including targeted recyclables.
- F. “Recycling Contractor” is a collector or transporter of recyclables.
- G. “Residential Dwelling” means any building containing one to four (1 to 4) dwelling units (single-family, duplex, triplex and fourplex), and any building with units contiguous to each other (townhouses) sharing no more than two (2) common walls and not having a centralized refuse and recycling pickup location, such building to be of the row house type as contrasted to multiple dwelling apartment structures.
- H. “Targeted Recyclables” means aluminum or other metal food and beverage cans, food and beverage glass containers, newsprint, corrugated cardboard, magazines, designated plastic containers and other materials designated by the City Council.

SEC. 4.35 SCAVENGING FOR RECYCABLES; LICENSE

It is unlawful for any person to scavenge or otherwise collect recyclables at the curb or from

recyclable containers without a license from the City.

SEC. 4.36 LICENSE FOR RECYCLING CONTRACTOR

No person shall act as a recycling contractor in the City without first obtaining the appropriate license issued by the City. Any person desiring a license to collect recyclables in the City shall submit a completed license application form along with the license fee and the required certificate of insurance. Only one city-wide recycling license shall be issued by the City.

SEC. 4.37 REQUIREMENTS FOR LICENSE

- A. License Fee. Payment of the license fee as prescribed from time to time by City Council resolution shall be required prior to issuance of such license.
- B. Liability Insurance. Before a recycling contractor license shall be issued, the applicant shall provide a certificate of liability insurance for all vehicles in at least the sum of Six Hundred Thousand Dollars (\$600,000.00) for bodily injury damages and Two Hundred Thousand Dollars (\$200,000.00) for property damages.
- C. Workers' Compensation Insurance. Before a recycling contractor license shall be issued, the applicant shall file with the City a certificate indicating statutory workers' compensation coverage or evidence of self-insured status approved by the State of Minnesota².

SEC 4.38 EXPIRATION OF LICENSE

All licenses shall expire annually on December 31.

SEC. 4.39 REVOCATION

A licensee's failure to comply with the provisions of this Code or any of the conditions attached to the license shall be grounds for license revocation, without refund of the license fee.

SEC. 4.40 LICENSEE'S EQUIPMENT

Licensees shall use equipment so constructed that the recyclables will not spill during transport. The equipment shall be kept clean and shall not be allowed to stand in any street or public place longer than is necessary to collect recyclables. The licensee shall also ensure that the collection site is left free of litter

² M.S.A. § 187.121.

SEC. 4.41 REPORT TO CITY

Licensees shall submit to the City a semi-annual report on a form provided by the City for such purpose. Upon request, licensees shall provide receipts which certify tonnages and markets reported to the City.

SEC. 4.42 HOURS OF COLLECTION

Licensees may collect recyclables on the day or days as designated by the City Council. Collection of recycling shall occur only during the following times:

Monday – Friday	7:00 a.m. -- 6:00 p.m.
Saturday and Sunday	8:00 a.m. -- 6:00 p.m.

SEC. 4.43 PLACEMENT OF CONTAINERS FOR COLLECTION

Recycling containers shall be located out of the public view except on the day of pickup. Recycling containers must be placed at curbside for collection prior to seven (7:00) a.m. on collection day. At no time shall containers remain on curbside for longer than twenty-four (24) consecutive hours. At Multi-Family Complexes, containers shall be located in a place determined by the pertinent Licensee and Complex owner or manager, and said containers shall be located out of the public view.

Sexually Oriented Businesses

SEC. 4.44 SEXUALLY ORIENTED BUSINESSES /PURPOSE AND FINDINGS

The purpose of this ordinance is to control, through licensing and other regulations, certain land uses that have a direct and detrimental effect on the character of the City's residential and commercial neighborhoods.

- A. The Hanover City Council makes the following findings about the effect adult uses and sexually oriented businesses have on the character of the City's neighborhoods. In making the findings, the City Council accepts the recommendations of staff that has studied the experiences of other areas about such businesses. Based on studies and findings, the Hanover City Council concludes:
1. Adult uses and sexually oriented businesses can contribute to an increase in crime in the area where such businesses are located. This can be a burden to City crime-prevention programs and law-enforcement services.
 2. Adult uses and sexually oriented businesses can significantly contribute to the deterioration of residential neighborhoods and can increase neighborhood blight. These businesses also can impair the character and quality of the residential housing in the area where such businesses are. This situation could lessen the amount of desirable housing for residents.
 3. The concentration of adult uses and sexually-oriented businesses in one area can greatly affect the area where such businesses are concentrated and on the quality of city life. A cycle of decay can result from the influx of adult uses and sexually oriented businesses. Others may perceive the presence of such businesses as an indication that the area is deteriorating and the result can be devastating. That is, other businesses move out of the vicinity and residents flee from the area. Lower property values, which can result from the concentration of such businesses, erode the City's tax base, and contribute to blight.
 4. Adult uses and sexually oriented businesses have adverse secondary impacts of the types discussed above.
 5. It is necessary to provide for the special and express regulation of businesses, establishments or commercial enterprises that operate as adult body painting studios, adult bookstores, adult cabarets, adult car washes, adult companionship establishments, adult hotels or motels, adult massage parlors or health clubs, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades or theaters, adult novelty businesses, adult saunas, and similar adult-oriented services operating under different names to protect the public health, safety and welfare, and to guard against the inception and transmission of disease.

6. The commercial enterprises such as the types described in (5) above and all other similar establishments whose services include sessions offered to adults conducted in private by members of the same or opposite sex, and employing personnel with no specialized training, are susceptible to operations contravening, subverting, or endangering the morals of the City by being the site of acts of prostitution, illicit sex, and occasions of violent crimes, and thus requiring close inspection, licensing and regulation.
7. Control and regulation of commercial establishments of these types, in view of the abuses often perpetrated, require intensive efforts by the police department and other departments of the City. It is necessary for the City to provide services to all of Hanover without concentrating the public services in one area. The concentrated use of City services detracts from and reduces the level of service available to the rest of Hanover. Thus, these types of establishments can diminish the ability of the City to protect and promote the general health, welfare, morals, and safety of Hanover.
8. The City Council adopts the following land-use and licensing regulations, recognizing that it has an interest in the present and future character of the City's residential and commercial neighborhoods. These regulations are to lessen the detrimental and adverse affects adult uses and sexually oriented businesses have on the use of adjacent land, and to protect and promote the health, safety, and welfare of the residents of Hanover.

It is not the intent of the City Council to prohibit adult uses or sexually oriented businesses or establishments from having an opportunity to locate in Hanover. It also is not the intent of the City Council to regulate these businesses because of content, but only on the basis of likely adverse secondary effects.

SEC. 4.45 DEFINITIONS

The following words shall have the following meanings:

- A. "Adult uses" means adult body painting studios, adult bookstores, adult cabaret, adult car wash, adult hotels or motels, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult health/sports clubs, adult saunas/steam rooms/bath houses, adult companionship establishments, adult rap/conversation parlors, adult novelty businesses, adult motion picture arcades, adult modeling studios, and all other premises, enterprises, establishments, businesses, and places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction, or description of "specified sexual activities" or "specified anatomical areas" which the public could see. This definition does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry by state-licensed or registered persons. Activities classified as obscene as defined by Minnesota Statutes §617.241 are not lawful and are not included in the definition of adult uses.

- B. “Adult Use – Accessory” is the offering of goods and/or services classified as adult uses on a limited scale that is incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include adult magazines, adult movies, adult novelties, and the like.
- C. “Adult Uses – Principal” is the offering of goods and/or services classified as adult uses as a primary or sole activity of a business or establishment, and include but are not limited to the following:
1. “Adult Body Painting Studios” means an establishment or business that provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the body of a patron when such body is wholly or partially nude in terms of “specified anatomical areas.”
 2. “Adult Bookstores” means an establishment, building or business engaging in the barter, rental, or sale of items or merchandise consisting of printed matter, pictures, slides, records, audio-tapes, videotapes, computer or video disks, motion picture film, or any other similar materials, if such a shop is not open to the public generally but only to one or more classes of the public, excluding any minor because of age, if more than twenty (20%) percent of the usable floor area of the establishment, building or business, or it at least 500 square feet, whichever is smaller, has products or materials distinguished or characterized by an emphasis on matters depicting, describing or related to “specified sexual activities” or “specified anatomical areas.”
 3. “Adult Cabaret” means an establishment, building or business that provides dancing or other live entertainment if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas.”
 4. “Adult Car Wash” means a wash facility for any type of motor vehicle that allows employees, agents, independent contractors, or persons to appear in a state of partial or total nudity in terms of “specified anatomical areas.”
 5. “Adult Companionship Establishment” means an establishment or business if such establishment excludes minors because of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
 6. “Adult Entertainment Facility” means a building or space in which an admission is charged for entrance, or food or nonalcoholic beverages are sold or intended for consumption, and in which may be observed live presentation of entertainment

distinguished or characterized by an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”

7. “Adult Establishment” means an establishment, building or business engaging in any of the following activities or which uses any of the following business procedures or practices: either:
 - a. Any business conducted exclusively for the patronage of adults and about which minors are specifically excluded from patronage thereat either by law or by the operators of such business; or
 - b. Any other business that offers its patrons services, products or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to “specified sexual activities” or “specified anatomical areas.” Specifically included in the term, but without limitation, are adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult health clubs, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult car washes, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.
8. “Adult Hotel or Motel” means a hotel or motel from which minors are specifically excluded from patronage and in which material is presented that is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”
9. “Adult Massage Parlor, Health/Sport Club” means a massage parlor or health/sport club that restrict minors because of age, which provide the services of massage, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
10. “Adult Mini-Motion Picture Theater” means a business, building or establishment in an enclosed building with a capacity for less than 50 persons used for presenting visual media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons.
11. “Adult Modeling Studio” means an establishment or business whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers who engage in “specified sexual activities” or display “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

12. “Adult Motion Picture Arcade” means any building or place to which the public is allowed or invited in which coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, computers, or other image-producing devices that show images to five or fewer persons per machine at once, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas.”
 13. “Adult Motion Picture Theaters” means a business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material is said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons.
 14. “Adult Novelty Business” means a business that has at least twenty (20%) percent of its floor area as a principal activity the sale of materials or devices that stimulate human genitals or devices designed for sexual stimulation or which depict or relate to “specified sexual activities” or “specified anatomical areas.”
 15. “Adult Sauna/Steam Room/Bathhouse” means a sauna/steam room/bathhouse that excludes minors because of age, or which provides a steam bath or heat bathing room used for bathing, pleasure, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna/steam room/bathhouse is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- D. “Licensed Family Day-Care, Home; Licensed Group Family Day-Care Home; Licensed Child-Care Center” means a facility holding a license from Wright or Hennepin County or Minnesota pursuant to Minnesota Statutes, Chapter 245A, and/or Minnesota Rules, Chapter 9502 or Chapter 9503, as amended.
- E. “Minor” means any natural person under the age of eighteen (18) years.
- F. “Nudity” means the showing of the human male or female genitals or pubic area with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any portion thereof below a point immediately above the top of the areola; or the depiction or showing of the covered male genitals in a discernibly turgid state.
- G. “Public Library” means any library that provides free access to all residents of a City or County without discrimination and is organized under the provisions of Minnesota Statutes, Chapter 134.

- H. “Public Park” means a park, reservation, open space, playground, beach, or recreation or community center in the City owned, leased, or used, wholly or in part, by a City, County, State, School District or Federal Government for recreation purposes.
- I. “Place of Worship” means a building or space that is principally used as a place where people of the same faith or religion regularly assemble for worship.
- J. “School” means a building or space that is principally used as a place where twenty-five (25) or more persons receive a full course of educational instruction. Any post-secondary or post-high school educational building, including any college or any vocational, technical college, shall not be deemed a school for purposes of this ordinance.
- K. “Sexually-Oriented Business” means an adult book store, adult body painting studio, adult car wash, adult cabaret, adult hotel or motel, adult companionship establishment, adult motion picture theater, adult mini-motion picture theater, adult massage parlor, adult entertainment facility, adult health or sports clubs, adult novelty business, adult modeling studio, or adult sauna as defined herein. Activities classified as obscene as defined by Minnesota Statutes §617.241 are not lawful and are not included in the definition of adult uses.
- L. “Specified Anatomical Areas” means anatomical areas consisting of:
1. Less than completely and opaquely covered genitals, pubic region or pubic hair, buttock, anus, or female breast or breasts below a point immediately above the top of the areola or any combination of the foregoing; and
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- M. “Specified Sexual Activities” means activities consisting of the following:
1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation or fondling of unclothed genitals, pubic region, buttock or female breast, flagellation or torture in a sexual relationship, or the use of excretory functions in a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, sodomy, zooerasty; or
 2. Human genitals in the state of sexual stimulation, arousal or tumescence; or
 3. Use or acts of human or animal ejaculation, sexual intercourse, sodomy, oral copulation, coitus, or masturbation; or
 4. Fondling or touching of human genitals, pubic region or pubic hair, buttocks, or female breast or breasts; or

5. Stimulation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such person; or
6. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation; or
8. Any combination of the above.

SEC. 4.46 LICENSE REQUIRED

No person, firm, or corporation shall own or operate an adult use or sexually oriented business in Hanover without having first secured a license as provided herein. Licenses shall be one of two types: (a) Adult Use Principal or (b) Adult Use Accessory.

SEC. 4.47 APPLICATIONS

The City shall prepare an application for an adult use principal or sexually oriented business license. This application shall include:

- A. The name, residence, phone number and birth date of the applicant, if an individual; and if a corporation, the names, residences, phone numbers and birth dates of those owners holding more than five (5%) percent of the issued and outstanding stock of the corporation;
- B. The name, address, phone number and birth date of the operator and manager of such operation, if different from the owners;
- C. The address and legal description of the building, establishment or premises where the adult use or sexually-oriented business is to be located;
- D. A statement detailing each gross misdemeanor or felony relating to a sex offense and/or the operation of adult uses and related activities of which the applicant or, for a corporation, the owners of more than five (5%) percent of the outstanding stock of the corporation, have been convicted, and whether the applicant has ever applied for or held a license to operate a similar type of business in other cities;
- E. The activities and types of business to be conducted;
- F. The hours of operation;

- G. The provisions made to restrict access by minors;
- H. A building plan of the premises detailing all internal operations and activities;
- I. A description or building plan that details all proposed interior and exterior changes to an existing building or structure.

SEC. 4.48 LICENSE FEES

- A. Each application for a license shall be accompanied by a receipt from the City Clerk for payment in full of the required application and investigative fee for the license as established by the City Council. All fees shall be paid into the general fund of the City.
- B. All licenses shall expire on the last day of December in each year. The City shall issue each license for one (1) year, except that if part of the license year has elapsed when the application is made, the City may issue a license for the remainder of the year for a prorated fee. In computing such fee, the City shall count any unexpired fraction of a month as one (1) month.
- C. The annual fee for an adult-use or sexually oriented business license shall be as established by the City Council.
- D. No part of the fee paid for a license issued under this ordinance shall be refunded except in the following instances upon application to the City Clerk within thirty (30) days from the happening of the event. The City shall refund a prorated portion of the fee for the unexpired period of the license, computed monthly, when operation of the licensed business ceases not less than one (1) month before expiration of the license because of:
 - 1. Destruction or damage of the licensed premises by fire or other catastrophe;
 - 2. The licensee's illness;
 - 3. The licensee's death;
 - 4. A change in the legal status making unlawful for the licensed business to continue.
- E. Each application shall contain a provision on the application in bold print stating that any withholding of information or the providing of false or misleading information will be grounds for the denial or revocation of a license. Any changes in the information provided on the application or provided during the investigation shall be reported to the City Council by the application or licensee. If said changes take place during the investigation, the data shall be provided to the County Sheriff or City Clerk in writing, and they shall report the changes to the City Council. Failure to report said changes by the applicant(s) or the licensee may result in a denial or revocation of a license.

SEC. 4.49 GRANTING OF LICENSE

- A. The City shall investigate all facts set out in the application. After the City finishes its investigation, the City shall hold a public hearing and shall give everyone to be heard for or against the granting of the license a chance to present his or her views. After the investigation and public hearing, but under no circumstances longer than one hundred twenty (120) days application is made, the City Council shall grant or refuse the application.
- B. The City shall only issue the license to the applicant. The license shall not be transferred to another holder. The City shall only issue each license for the premises or location described in the application. No license may be transferred to another place without the approval of the City Council.

SEC. 4.50 PERSONS INELIGIBLE FOR LICENSE

The City shall not grant a license to nor may one be held by any person who:

- A. Is under twenty-one (21) years of age.
- B. Has been convicted of a felony or of violating any Minnesota law.
- C. Is not the proprietor of the establishment for which the license is issued.
- D. Has not paid the license and investigative fees required by this ordinance.
- E. Is not a citizen of the United States.
- F. Has had an adult use or similar license or permit revoked under an ordinance or statute similar to this.
- G. Already holds a liquor license for the same premises.

SEC. 4.51 PLACES INELIGIBLE FOR LICENSE

- A. No license shall be granted for adult uses or sexually-oriented business on any premises where a licensee has been convicted of a violation of this Chapter, or where any license hereunder has been revoked for cause, until one (1) year has elapsed after such conviction or revocation.
- B. Except uses lawfully existing at the time of this Ordinance adoption, no license shall be granted for any adult use or sexually-oriented business that does not meet all City code requirements, all building and fire code requirements and all provisions of state and federal law.

- C. No licenses shall be granted for any adult use or sexually oriented business where the licensee has been granted a liquor license for the same premises.

SEC. 4.52 NONCONFORMING USES

Any adult use or sexually-oriented business existing on the effective date of the adoption of this ordinance may be continued subject to the following provisions:

- A. No such adult use or sexually oriented business shall be expanded or enlarged except in conformity with the provisions of this ordinance.
- B. A nonconforming adult use or sexually oriented business shall be required to apply for and receive an adult use license from the City. The City does not require a public hearing before issuing a license for the nonconforming adult use or sexually oriented business.

SEC. 4.53 CONDITIONS OF LICENSE – GENERALLY

- A. Every license shall be granted subject to the conditions in the following subdivisions and all other provisions of this chapter, and of any applicable sections of the Hanover City Code, state and federal law.
- B. All licensed premises shall have the license posted in a conspicuous place.
- C. No minor shall be allowed in or on the premises of an adult use or sexually oriented business.
- D. Any designated inspection officer or law enforcement officer of the City shall have the right to enter, inspect, and search the premises of a licensee during business hours.
- E. Every licensee shall be responsible for the conduct of their place of business and shall maintain conditions of this ordinance and the City code.
- F. No adult goods, materials, or services shall be offered, sold, transferred, conveyed, given, displayed, or bartered to any minor.

SEC. 4.54 CONDITIONS OF LICENSE – ADULT USE PRINCIPAL

The City permits adult use principal and sexually-oriented businesses only in the zoning districts as permitted by the Zoning Ordinance subject to the following conditions:

- A. No adult use principal or sexually-oriented business shall be located closer than 500 feet from any other adult use principal or sexually-oriented business in the City.

Measurements shall be made in a straight line, without regard to City boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use principal or sexually-oriented business to the nearest point of the actual business premises of any other adult use principal or sexually-oriented business.

- B. No adult use principal or sexually-oriented business shall be located closer than 300 feet from any place of worship, school, public park, open space, licensed family day-care home, licensed group family day-care home, public library, or licensed child-care or day-care center in any City. Measurements shall be made in a straight line, without regard to City boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use principal or sexually-oriented business to the nearest property line of the premises or building used as a place of worship, school, public park, open space, licensed family day-care home, licensed group family day-care home, public library, or licensed child-care or day-care center.
- C. All adult uses and sexually oriented businesses must follow all of this Code.
- D. The City prohibits any building owner or operator from having more than one (1) of the following uses, tenants or activities in the same building or structure:
 - 1. Adult Body Painting Studio
 - 2. Adult Book Store
 - 3. Adult Cabaret
 - 4. Adult Car Wash
 - 5. Adult Companionship Establishment
 - 6. Adult Entertainment Facility
 - 7. Adult Hotel or Motel
 - 8. Adult Modeling Studio
 - 9. Adult Sauna/Steam Room/Bath House
 - 10. Adult Motion Picture Theater
 - 11. Adult Mini-Motion Picture Theater
 - 12. Adult Massage Parlor
 - 13. Adult Health/Sports Club

14. Adult Novelty Business
15. Any business or establishment in which there is an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas” that the public could see.
- E. An adult use principal and sexually oriented business shall not sell or dispense non-intoxicating or intoxicating liquors, nor shall it be located in a building that contains a business that sells or dispenses non-intoxicating or intoxicating liquors.
- F. No adult use principal and sexually-oriented business entertainment shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the adult use establishment that is prohibited by an ordinance of Hanover, the laws of the State of Minnesota, or the United States of America. Nothing in this ordinance shall be construed as authorizing or permitting conduct that is prohibited or regulated by other statutes, ordinances, including but not limited to, statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors.
- G. No adult use principal or sexually-oriented businesses shall be conducted in any manner that permits the perception or observation from any property not approved as an adult use of any materials depicting, describing or related to “Specified Sexual Activities” or “Specified Anatomical Areas” by any visual or auditory media, including display, decoration, sign, show window, sound transmission or other means.
- H. All adult use principal and sexually-oriented businesses shall prominently display a sign at the entrance and located within two (2) feet of the door-opening device of the adult-use establishment or section of the establishment devoted to adult books or materials which states: “This business sells or displays material containing adult themes. Persons under age 18 years of age shall not enter.”
- I. No person under the age of 18 shall be permitted on or in the premises of an adult use or sexually oriented business establishment. No person under the age of 18 shall be permitted access to material displayed, offered for sale, given, transferred, conveyed or rented by an adult use or sexually-oriented business.
- J. Adult use principal and sexually oriented businesses shall be open no longer than between the hours of 10:00 a.m. and 10:00 p.m. on the days of Monday through Saturday, and closed on Sunday.

SEC. 4.55 CONDITIONS OF LICENSE – ADULT USE ACCESSORY

The City may issue adult use accessory licenses to businesses or establishments located in the Commercial/Business Zoning Districts subject to the following requirements:

- A. The adult use accessory shall comprise no more than twenty (20%) percent of the floor area, or up to 500 square feet, whichever is smaller, of the establishment, space, structure or building in which it is located.
- B. Display areas for adult movie or video tape rentals or other products shall be restricted from general view and shall be located within a separate room, for which the access is in clear view and in the control of the person responsible for the operation.
- C. Magazines and publications or other similar products classified or qualified as adult uses shall not be accessible to minors and shall be covered with a wrapper or other means to prevent display of any materials other than the publication title.
- D. Adult use accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

SEC. 4.56 REVOCATION, SUSPENSION OR NONRENEWAL OF LICENSE

The City Council may revoke, suspend, or not renew a license upon recommendation of the City Administrator that shows the licensee, its owners, managers, employees, agents or any other interested parties have engaged in any of the following conduct:

- A. Fraud, deception or misrepresentation about securing the license.
- B. Habitual drunkenness or intemperance in the use of drugs, including but not limited to, the use of drugs defined in Minnesota Statutes, Section 618.01, barbiturates, hallucinogenic drugs, amphetamines, Benzedrine, Dexedrine or other sedatives, depressants, stimulants or tranquilizers.
- C. Engaging in conduct involving moral turpitude or permitting or allowing others within their employ or agency to engage in conduct involving moral turpitude or failing to prevent agents, officers, or employees in engaging in conduct involving moral turpitude.
- D. Failure to follow any requirements of the ordinances of Hanover about sanitary and safety conditions, zoning requirements, building code requirements or ordinances, the violation of which involves moral turpitude, or failure to follow the requirements of this ordinance.
- E. Conviction of an offense involving moral turpitude. The license holder may appeal any suspension, revocation, or non-renewal to the City Council. The Council shall consider the appeal at a regularly scheduled public hearing on or after ten (10) days from service of the notice of appeal to the City Administrator. At the conclusion of the hearing, the Council may order:
 - 1. That the revocation, suspension, or non-renewal be affirmed.

2. That the revocation, suspension, or non-renewal be lifted and that the license be returned to the license holder.
3. The Council may impose, at their discretion, any additional terms, conditions, or stipulations for the suspension or issuance of the license.

SEC. 4.57 REGULATIONS

The following sign regulations shall apply to all adult use and sexually oriented businesses in the City. These regulations are to protect children from exposure to sexually oriented or shocking signs and materials and to preserve the value of property near adult use and sexually oriented businesses. These regulations are aside from any other provision of the City Code:

- A. All signs shall be flat wall or freestanding signs. No signs shall be located on the roof, or contain any flashing lights, moving elements, or electronically or mechanically changing messages.
- B. The City's sign regulations for the zoning district where the business is located, shall regulate the amount of allowable sign area and the number of allowed signs for an adult use or sexually-oriented business.
- C. No merchandise, photos, or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or public right-of-way adjoining the building or structure in which the adult use or sexually-oriented business is located.
- D. No signs shall be placed in any window. A two (2) square-foot sign may be placed on the door to state hours of operation and admittance to adults only.

SEC 4.58 PENALTY

Any person violating any provisions of this ordinance is guilty of a misdemeanor, and upon conviction shall be punished not more than the maximum penalty for a misdemeanor as prescribed by state law.

SEC. 4.59 SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this code amendment is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this code amendment. The Council declares that it would have adopted the code amendment and each section, subsection, sentence, clause or phrase of it, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid.

*Rental Dwelling*SEC. 4.60 RENTAL HOUSING/ PURPOSE AND INTENT

- A. Purpose. It is the purpose of this Section to protect the public health, safety and welfare of citizens of the City of who have as their place of abode a living unit furnished to them for payment of a rental fee to another.
- B. Intent. It is the intent of this Section that uniform standards be established and applicable for all rental dwellings in the City.

SEC. 4.61 DEFINITIONS

The following words and terms used in this Section are construed and defined as follows:

- A. “Immediate Family” means direct descendants, parents, grandparents, siblings or any such person of traditional or blended family.
- B. “Operate” means to charge a rental fee for the use of a living unit in a rental dwelling.
- C. “Provisional Rental License” means a Multi-Family rental license containing certain provisions and/or criteria as required by the City Council.
- D. “Multi-Family Rental License” means a rental license established for any rental dwelling with two (2) or more living units which are subject to interior and exterior inspections.
- E. “Rental Dwelling” means any dwelling or dwelling unit used for residential occupancy by one or more persons who are not the owner or a member of the owner’s immediate family. “Rental dwelling” does not include hotels, motels, and hospitals.
- F. “Valid Complaint” means a valid complaint is a violation that is visible at the time of inspection.

SEC. 4.62 TYPES OF RENTAL LICENSES REQUIRED.

No person, firm or corporation shall allow to be occupied or let to another a living unit in a rental dwelling for which a license has not been granted by the City. There shall be two (2) types of licenses: multi-family and provisional.

SEC. 4.63 APPLICATION FOR RENTAL DWELLING LICENSE

Requests for a rental dwelling license shall be made by the owner of the rental dwelling unit or

his/her legally constituted agent by submitting an application to the City.

Before any rental dwelling license shall be issued or renewed, the owner shall complete a rental license application and allow an onsite inspection of the property as necessary. Each parcel identification number requires a separate application. The following person shall be authorized to sign and submit the application:

- A. If the owner is a natural person, by the owner.
- B. If the owner is a corporation, by an officer thereof.
- C. If the owner is a partnership, by a partner thereof.

The application shall be made on forms prescribed by the City and shall include:

- A. The name, address, and telephone numbers of the owner of the rental dwellings.
- B. The name, address and telephone numbers of any operator or agent managing the rental dwelling.
- C. If the operator or agent is a business entity, the application shall include the names, telephone numbers, and addresses of individuals who will be involved in such management, together with a description of the scope of services and manner of delivering these services by the manager.
- D. If the applicant is a partnership, the name and address of all partners.
- E. If the applicant is a corporation, the name and address of all officers.
- F. If the rental dwelling is being sold on a contract for deed, the name and address of the vendees.
- G. The legal address of the rental dwelling.
- H. The number of units within the rental dwelling.

Notification by the rental operator shall be given to the City within five (5) business days of any change of information required and stated in the initial application.

SEC. 4.64 FEES

- A. License Fees.
 - 1. Fees Established AND Due Date. License fees as set by the City Council shall be due sixty (60) days prior to the license expiration date. In the case of a new

unlicensed rental dwelling, the license fee shall be submitted with the application. A license fee shall be collected for each unit in a rental dwelling, except owner occupied units. License fees are non-refundable.

2. Filing Due Date And Penalty. If a renewal application is made less than sixty (60) days before the beginning date of the renewal license period applied for, then the fee shall be accompanied by an additional amount equal to one hundred percent (100%) of such license fee. The additional amount shall be a penalty for late application, with the exception of the first year of the adoption of this chapter. In no case shall there be a lapse in the license period. The late penalty is established for those licensees who have failed to submit an application and obtain a new rental license; previously approved rental licenses are not transferable.
- B. Re-inspection Fee. An initial inspection shall be required at the time of application, the cost of which shall be included in the license application fee. A fee, as set by the City Council, shall be charged thereafter for all re-inspections necessitated by the receipt of any valid complaint(s) regarding the property. The re-inspection fee(s) will be payable at the time of license renewal for the property.

SEC. 4.65 LICENSE TERMS AND RENEWALS

- A. Multi-Family. Initial and renewal licenses shall be issued for a period of two (2) years and shall expire the second year after the date that the license was issued. The license period shall commence on the date of the approved application. Renewal applications shall be filed at least sixty (60) days prior to license expiration date.
- B. Provisional Rental Licenses. Provisional licenses shall be issued only upon approval by the City Council and shall expire six (6) months after issuance. A multi-family or single family rental license may be re-established pursuant to this Section.

SEC. 4.66 CONDITIONS OF LICENSE ISSUANCE

- A. Compliance With Section. The City shall issue a rental dwelling license if the building and the application are found to be in compliance with this chapter.
- B. Conformance to Laws. No rental dwelling license shall be issued or renewed unless the rental dwelling and its premises conform to the Hanover City Code and the laws of the State of Minnesota and all re-inspection fees have been paid.

SEC. 4.67 INSPECTIONS, INVESTIGATIONS AND MAINTENANCE

- A. No rental dwelling license shall be issued or renewed unless the owner of the rental units

agrees in his/her application to permit inspections pursuant to this section.

- B. Every rental dwelling unit shall maintain the standards as established within all other sections of the Hanover City Code and Minnesota State Statutes.
- C. The Building Official, Fire Chief, and/or their designated representatives are hereby authorized to make any and all inspections reasonably necessary to enforce this chapter.
- D. Persons inspecting any rental dwelling, as provided herein, shall notify the license holder of all violations, if any, by issuing a written compliance order. Said compliance order shall direct that compliance on building and City Code violations be made within no more than ten (10) business days from the date of the notice, unless extended by the Building Official, Fire Chief, and/or designated representative for good cause.

SEC. 4.68 NONTRANSFERABILITY OF LICENSE

No rental dwelling license shall be transferable to another person or to another rental dwelling. Every person holding a rental dwelling license shall give notice in writing to the City within five (5) business days after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. Such notice shall include the name and address of the person succeeding to the ownership or control of such dwelling or dwellings.

SEC. 4.69 CONDUCT ON LICENSED PROPERTY

- A. Disorderly Premises. It shall be the responsibility of the licensee to see that persons occupying the living units conduct themselves in a manner so as not to cause the premises to be disorderly. For purposes of this section, a premises is disorderly when any of the following activities occur:
 - 1. Violation of the City's noise ordinance.
 - 2. Violation of state laws relating to the possession or sale of illegal drugs or controlled substances.
 - 3. Violation of disturbing the peace.
 - 4. The unlawful sale or use of liquor.
 - 5. Violation of laws relating to gambling.
 - 6. Violation of state laws relating to gambling.
 - 7. The unlawful use or possession of a firearm per state law.

8. Violation of Minnesota States, Chapter 609 (i.e. disorderly conduct; unlawful assembly; riot; terroristic threat; presence at unlawful assembly).
- B. Enforcement Authority. The City Administrator shall be responsible for enforcement and administration of this Section. Authority to take any action authorized by this Section may be delegated to the City Administrator's designee.
- C. Other Rules. Other rules and regulations as set forth in Minnesota State Statute Chapter 504B, standards established within all other sections of the Hanover City Code of Ordinance, and Minnesota State Statutes shall also apply to this chapter.
- D. Notice of Violation. Upon determination by the City that a living unit was used in a disorderly manner, as described in this section, the City shall give notice to the licensee of the violation and direct the licensee to take steps to prevent further violations. The disorderly manner shall be as defined in this Section.
- E. Second Instance. If a second instance of disorderly use of the living unit occurs within three (3) months of an incident for which a notice was given as specified in Subsection D of this section, the City shall notify the licensee to prevent further disorderly use of the living unit. This written report shall be submitted to the City within five (5) days of receipt of the notice/report of disorderly use of the living unit and shall detail all actions taken by the licensee in response to all notice of disorderly use of the living unit within the preceding three (3) months.
- F. Third Instance. If a third instance of disorderly use of the living unit occurs within three (3) months after a second instance of disorderly use for which a notice was given to the licensee pursuant to Subsection of this section, the rental dwelling license for the rental dwelling may be denied, revoked, suspended or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the City, who shall give the licensee written notice of a hearing before the City Council to consider such denial, revocation, suspension or non-renewal. Such written notice shall specify all violations of this section, and shall state the date, time, place and purpose of the hearing. The hearing shall be held no less than ten (10) days and no more than thirty (30) days from the date of such notice.
- G. Action of the City Council. Following the hearing, the City Council may deny, revoke, suspend or decline to renew the license for all or any part or parts of the rental dwelling or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this section.
- H. Eviction Proceeding. No adverse license action shall be imposed where the instance of disorderly use of the living unit occurs during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's living unit. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee.

Further, any action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures to prevent further instances of disorderly use.

- I. Evidence of Disorderly Manner. A determination that the rental dwelling unit has been used in a disorderly manner as described in this section shall be made upon substantial evidence to support such determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such criminal charge operate as a bar to adverse license action under this section.
- J. Serving Notice. All notices given by the City under this section shall be personally served on the licensee, sent by certified mail to licensee's last known address or, if neither method of service effects notice, by posting on a conspicuous place on the licensed rental dwelling.
- K. Council Action Not Exclusive. Enforcement actions provided in this section shall not be exclusive, and the City Council may take any action with respect to a licensee, a tenant, or the licensed rental dwelling as is authorized by this Section, other sections of the Hanover City Code or state law.

SEC. 4.70 PROVISIONAL RENTAL LICENSE

- A. Police or Fire Calls. Licensed dwelling units that have generated two (2) police calls per dwelling unit over any consecutive twelve (12) month period during the license period shall only be eligible for a provisional license at the time of next renewal, as specified in this section.
 - 1. Police calls that are counted in determining whether a provisional license is required include the following types of calls or events:
 - a. Calls or events listed in this section or Section 4.73 of this chapter.
 - b. Calls or events categorized as part one crimes in the uniform crime reporting system, including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft, and arson.
 - c. Calls or events involving liquor offenses; disturbing the peace or harassing communications; property damage; criminal damage to property or trespass; public disturbance or disorderly conduct; loud party or noise complaints; disorderly juveniles; assault in the fifth degree or non-domestic related assaults.
 - 2. The City will provide a report by mail to each licensee for calls described in this section. The violation report will describe the nature and type of call that became

an instance that will be counted for purposes of determining whether the license will be denied, revoked, or suspended or not renewed.

- B. Mitigation Plan. Prior to consideration of a provisional license, the applicant for a provisional license must work with the City staff to prepare and submit a mitigation plan to be reviewed for approval by the City Council.
1. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police or fire calls described in Subsection A1 of this section over the six (6) month period of the provisional license to a level that would entitle the property to qualify for a regular license at the end of the six (6) month provisional license period.
 2. The mitigation plan may include such steps as: changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, and security personnel.
- C. Decision of City Council. The application and a proposed mitigation plan will be presented to the City Council, together with a disposition recommendation by the City Administrator. After giving the applicant an opportunity to be heard and present evidence, the City Council shall approve, disapprove, or approve with conditions the mitigation plan and the provisional license. If the City Council disapproves an application and mitigation plan, or approves a provisional license with conditions, it shall state the reasons for its decision in writing.
- D. Monthly Reports. The provisional licensee shall comply with the approved mitigation plan. No later than the tenth day of each month, the licensee shall mail or deliver to the City a written report describing all steps taken in furtherance of the mitigation plan during the preceding month. If the required monthly reports are not submitted in a timely fashion by the property owner, the City may begin proceedings to revoke the provisional license for all or any part or parts of the licensed premises.

SEC. 4.71 INSPECTIONS

- A. Inspections. Onsite inspections shall be required at the time of receipt of an initial application or a renewal application and upon receipt of a complaint regarding the property.
1. Inspections may be conducted by the Building Official, Fire Chief, and/or a designated representative.
 2. Inspections may be conducted on the property to include the exterior and interior portions of the rental dwelling and property. Interior inspections shall focus on emergency, life-threatening and/or health and safety building and Fire Code issues such as proper wiring, fire and carbon monoxide detectors, and the like.

- B. Re-Inspection Fees. Re-inspection fees shall only be required after receipt and inspection of a valid complaint. Re-inspection fees shall not be incurred for required annual inspections.
- C. Enforcement. A violation shall be enforced as specified within the established guidelines process City Code.
- D. City Council Action. Upon repeat violations, or failure of a property owner to bring the property into compliance, the City Council may do any of the following
 - 1. Require a rental license to become provisional as specified in Section 4.74 of this chapter.
 - 2. Revoke, suspend, deny, or decline to renew a rental license as specified in Section 4.78 of this chapter.
 - 3. Order the property to be abated.

SEC. 4.72 LANDSCAPING; LIGHTING; SNOW REMOVAL

Each rental dwelling shall be maintained by its owner, occupant, operator or agent so that the yards, open spaces and parking facilities are kept in a safe and attractive condition. In addition, adequate lighting facilities shall be provided and operated between the hours of sunset and sunrise; and snow plowing or snow shoveling shall be regularly accomplished to maintain all sidewalks and parking areas in a safe condition.

SEC. 4.73 FIRE CONTROL REGULATIONS

An owner, operator or agent of a rental dwelling shall be responsible for compliance with the applicable provisions of the fire code of the City, including the keeping of all fire lanes open for emergency purposes.

SEC. 4.74 LICENSE REVOCATION OR SUSPENSION

- A. Reason for Action. The Council may revoke, suspend, deny or decline to renew any license issued under this Section upon any of the following grounds:
 - 1. False statements on any application or other information or report required by this Section to be given by the applicant or licensee.
 - 2. Failure to pay any application, penalty, re-inspection, or reinstatement fee required by this Section or resolution of the City Council.

3. Failure to correct deficiencies noted in notices of violation in the time specified in the notice.
 4. Failure to comply with the provisions of an approved mitigation plan in the case of provisional licenses.
 5. Any other violation of this Section.
- B. Applicable Sections. Revocation, suspension, and non-renewal may be brought under this section or Section 4.73 hereof.
- C. Multi-Family. A Multi-Family license may be revoked, if at midterm, or not renewed, if at the end of a term, upon a finding that the premises are only eligible for a provisional license as provided in Section 4.70 hereof.
- D. Written Notice. A decision to revoke, suspend, deny or not renew a license shall be preceded by a written notice to the applicant or licensee of the alleged grounds therefore, and the applicant or licensee will be given the opportunity for a hearing before the City Council before final action to revoke, suspend, deny, or not renew a license.
- E. Action of City Council. The City Council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been cured or avoided, and good faith efforts to comply, and shall issue a decision to deny, not renew, suspend, or revoke a license only upon written findings. The City Council may suspend or revoke a license or not renew a license for part or all of the rental dwelling.
- F. Reinstatement of License. Upon a decision to revoke, deny, or not renew a license, no new application for the same facility will be accepted for a period of time specified in a written decision of the City Council, not exceeding one year. Such new applications must be accompanied by a reinstatement fee, as specified by resolution, in addition to all other fees required by this Section.
- G. No New Rentals. A written decision to revoke, suspend, deny, or not renew a license or application shall specify the part or parts of the rental dwelling to which it applies. Thereafter, and until a license is reissued or reinstated, no living unit becoming vacant in such part or parts of the rental dwelling may be re-let or occupied. Revocation, suspension, or nonrenewal of a license shall not excuse the owner from compliance with all terms of this Section for as long as any units in the rental dwelling are occupied.
- H. Failure to Comply. Failure to comply with this Section is a misdemeanor.

SEC. 4.75 NO RETALIATION

No licensee shall evict, threaten to evict, or take any other punitive action against any tenant by reason of good faith calls made by such tenant to law enforcement agencies related to criminal

activity, suspected criminal activity, suspicious occurrences, or public safety concerns. This section shall not prohibit the eviction of tenants from a dwelling unit for unlawful conduct of a tenant or invitee or violation of any rules, regulations, or lease terms other than a prohibition against contacting law enforcement agencies.

SEC. 4.76 SUMMARY ACTION

When the conduct of any licensee or his/her agent, representative, employee or lessee or the condition of his/her dwelling is detrimental to the public health, safety and general welfare so as to constitute a nuisance, fire hazard or other unsafe or dangerous condition, and thus give rise to an emergency, the City shall have the authority to summarily condemn or close off such area of the rental dwelling.

SEC. 4.77 APPEALS

Any person aggrieved by a decision of the City to cease business or revoke or suspend the license shall be entitled to appeal to the City Council immediately by filing a notice of appeal. The City shall schedule a date for hearing before the City Council and notify the aggrieved person of the date. The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action. The decision of the City shall not be voided by the filing of such appeal.

SEC. 4.78 APPLICABLE LAWS

Licensees shall be subject to all of the ordinances of the City and laws of the State related to rental dwellings. This Section shall not be construed or interpreted to supersede or limit any other such applicable ordinance or law.

SEC. 4.79 VIOLATION OF A MISDEMEANOR

Every person violates a section, subdivision paragraph or provision of this Chapter or performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor.