

ORDINANCE 667

***TITLE XI BUSINESS REGULATIONS,
CHAPTER 110 ISSUANCE OF LICENSES AND PERMITS***

The City Council of the City of Cambridge hereby amends Title XI Business Regulations, Chapter 110 Issuance of Licenses and Permits as follows:

§ 110.06 APPLICATION FOR LICENSE.

(A) Every person required to procure any permit, license or transfer under the provisions of this chapter or any other law or ordinance of the city shall submit an application for the license to the ~~Clerk Administrator~~ City Administrator in writing.

(B) The application shall conform to the following:

(1) Be a written statement upon forms provided by the ~~Clerk Administrator~~ City Administrator, the form to include an affidavit to be sworn to by the applicant before a person authorized to administer an oath;

§ 110.10 LICENSE BONDS.

If the provisions under which any license is to be issued require the licensee to furnish a bond, the bond shall be duly executed by the licensee and a corporate surety and shall be furnished to the ~~Clerk Administrator~~ City Administrator at the time the application is filed or as soon thereafter as the ~~Clerk Administrator~~ City Administrator shall request. The bond shall be in such amount and with such penalty provisions as shall be required by the provision and shall be approved as to form, execution, surety and amount by the ~~Clerk Administrator~~ City Administrator. The bonds may be in form as to terminate with the annual license period or may be in form so as to provide for automatic renewal in the event the license is renewed.

§ 110.11 PROCEDURE FOR ISSUANCE OF LICENSES.

(A) On receipt of an application for any license, the ~~Clerk Administrator~~ City Administrator shall transmit the same, together with license bond and a copy of receipt for license fee to the Chief of Police or other department responsible therefor, who shall cause investigation to be made of the qualifications of the applicant, and the ~~Clerk Administrator~~ City Administrator shall determine whether the applicant has complied with all requirements of the ordinance under which the license is to be issued and which requirements are prerequisites to the issuance of the license.

Unless the subdivision of the ordinance pursuant to which the license is to be issued requires issuance of the license by the Council, the ~~Clerk Administrator~~ City Administrator shall issue the license upon determination that the prerequisites have been complied with, but if he or she shall have determined that the prerequisites have not been complied with, he or she shall deny the application for issuance of the license.

If any ordinance shall require issuance of a license by the Council, the ~~Clerk-Administrator~~ City Administrator shall refer the application, together with a report of the investigation and determination with respect to the applicant and his or her compliance with the requirements of the ordinance to the Council. The Council shall thereupon consider the report and findings and may grant or deny the license. The applicant for any license which has been denied by the Clerk-Administrator may appeal the decision of the ~~Clerk-Administrator~~ City Administrator to the Council by filing, with the ~~Clerk-Administrator~~ City Administrator within ten days after receipt of notice of the denial, a request for review by the Council of the determination by the ~~Clerk-Administrator~~ City Administrator. The ~~Clerk-Administrator~~ City Administrator shall thereupon refer the request to the Council at its next regular meeting, at which time the Council shall hear the applicant and review the determination of the ~~Clerk-Administrator~~ City Administrator and may grant or deny such license.

(B) Upon determination of the Council that a license shall be issued, the determination shall be transmitted to the ~~Clerk-Administrator~~ City Administrator who shall issue the license certificate in duplicate under the seal of the city and deliver one copy to the applicant and retain the other in the license book as a part of the records of the city.

§ 110.14 CONTENTS OF LICENSE.

Each license issued under this chapter shall state upon its face the following:

- (A) The name of the licensee and any other name under which the business shall be conducted;
- (B) The name and address of each business so licensed;
- (C) The amount of license fee;
- (D) The dates of issuance and expiration thereof; and
- (E) Such other information as the ~~Clerk-Administrator~~ City Administrator or Council shall determine.

§ 110.15 LICENSE PERIOD.

All permits, licenses or transfers issued under any provision of this chapter shall terminate on December 31 of the calendar year in which issued unless a different termination date with respect to specific licenses shall be specifically provided with respect to the permit, license or transfer.

§ 110.16 RENEWAL LICENSE PROCEDURE.

Applications for renewal of any license shall be made to the ~~Clerk-Administrator~~ City Administrator on forms provided by him or her and shall contain any information required for

renewal of the license by the section of this chapter under which the license is to be issued and such additional information as the ~~Clerk-Administrator~~ City Administrator or Council shall require.

§ 110.17 DUPLICATE AND REPLACEMENT LICENSE PROCEDURE.

A duplicate license certificate or tag shall be issued by the ~~Clerk-Administrator~~ City Administrator to replace any license certificate or tag previously issued which has been lost, stolen, defaced or destroyed, without any willful conduct on the part of the licensee, upon the filing by the licensee of an affidavit attesting to such fact and paying to the ~~Clerk-Administrator~~ City Administrator the required fee.

§ 110.18 REBATE OF FEE.

No rebate or refund of any license fee or part thereof shall be made by reason of non-use of the license or by reason of a change in location or business rendering the use of the license ineffective, provided that the ~~Clerk-Administrator~~ City Administrator shall have authority to refund a license fee collected through an error or in cases where the application is denied by the ~~Clerk-Administrator~~ City Administrator or the Council.

§ 110.20 CHANGE OF LOCATION OF LICENSED PREMISES.

A licensee or permittee shall not have the right to change the location of the licensed premises, except upon the approval of the ~~Clerk-Administrator~~ City Administrator if the license shall be issued by him or her or upon the approval of the Council if the license shall be issued by the Council. Application for the renewal shall be made in writing in such form as shall be prescribed by the ~~Clerk-Administrator~~ City Administrator and shall be accompanied by the required removal fee.

§ 110.22 ENFORCEMENT.

(A) *Inspections.* It shall be the duty of the health officer to inspect all premises licensed hereunder for the purpose of determining any violation of law relating to health. It shall be the duty of the police officers to inspect and examine all premises, businesses and enterprises subject to license or which have been licensed by the city, and the ~~Clerk-Administrator~~ City Administrator shall have the right to direct the health officer, any police officer or any other appropriate officer to make such inspections at all reasonable times.

§ 110.23 TERMINATION OF LICENSE.

At any time that the ~~Clerk-Administrator~~ City Administrator or other official responsible for enforcement shall determine that any person licensed under this chapter or other ordinance of the city shall have failed to comply with any requirement of law or with any provision of this chapter, the ~~Clerk-Administrator~~ City Administrator shall notify the licensee in writing of the

violation, the notice to be delivered by the U.S. Mail or personally as the ~~Clerk-Administrator~~ City Administrator may determine, and deposit of the notice in the U.S. Mail, addressed to the address stated on the license application, shall constitute service of the notice. If the person cannot be otherwise found, the notice may be posted on the premises licensed.

The notice shall require compliance with the provision of law, code or ordinance specified within a reasonable time to be specified by the ~~Clerk-Administrator~~ City Administrator. Upon expiration of the time, unless the licensee shall have requested a hearing in writing, the ~~Clerk-Administrator~~ City Administrator, in the event that the license involved shall have been issued by the ~~Clerk-Administrator~~ City Administrator, may terminate the license, or in the event that the license has been issued by the Council, the ~~Clerk-Administrator~~ City Administrator shall report the matter to the Council and the Council may thereafter terminate the license, subject to compliance with any procedure prescribed by the provisions of the ordinance pursuant to which the license or permit was issued.

§ 110.24 HEARING.

In the event that a hearing is requested by the licensee, the ~~Clerk-Administrator~~ City Administrator shall set a time for the hearing not less than ten days and not more than 20 days after request, at which time the City's ~~Clerk-Administrator~~ Administrative Hearing Officer shall hear all testimony offered by the licensee and shall inform the licensee of all information upon which alleged violation of law by the licensee has been determined. ~~If the license has been issued by the Council, the hearing shall be conducted by the Council.~~ On completion of the hearing, the ~~Clerk-Administrator~~ Administrative Hearing Officer or Council, as the case may be, may shall make a final order recommendation to the City Council to either suspending or terminating the license in question. The City Council will render the final decision on the status of the license at the next regularly scheduled Council meeting after the recommendation of the Administrative Hearing Officer is received.

~~Upon the entry of any such order by the Clerk-Administrator, the licensee may appeal the determination of the Clerk-Administrator to the Council by filing request for the appeal with the Clerk-Administrator within ten days after receipt of notification of the order of the Clerk-Administrator, and the Council shall thereupon promptly hear the licensee and review the determination of the Clerk-Administrator and make its final order sustaining or modifying the determination of the Clerk-Administrator.~~

§ 110.25 PAYMENT OF TAXES ON LICENSED PREMISES.

It shall be a condition to the issuance of any license by the city pursuant to this code or any of the ordinances of the city hereinafter referred to and amended that all real estate taxes and special assessments levied against the premises licensed shall be paid prior to the last date when payable without penalty. Upon receipt of evidence that the taxes or special assessments levied against any such premises have become delinquent, the ~~Clerk-Administrator~~ City Administrator shall notify the licensee of the delinquency and that all licenses issued for the premises under the circumstances hereinafter described shall be terminated and canceled 30 days after date of the notice, and unless the taxes and special assessments are paid and the County Treasurer's receipt

for the same delivered to the ~~Clerk Administrator~~ City Administrator within the 30 day period, the license described in the notice shall upon termination of the 30 day period be deemed canceled and terminated, provided, however, that no such license shall be canceled or terminated during the time in which any judicial proceeding is pending, challenging the validity of the amount of the tax or special assessment in question. The City Council may, notwithstanding this section, authorize the issuance of a license, or the continuation of an existing license, where it determines, in its sole discretion, that extenuating or extraordinary circumstances exist surrounding the delinquency or the impact of the delinquency as set forth in this section.

FEES, CHARGES AND RATES

§ 110.40 FEES, CHARGES AND RATES AUTHORIZED AND DEFINED.

The fees, charges and rates for the purposes set forth in this chapter for licenses, permits and municipal services shall be in the amounts set forth in this chapter or in the City’s fee ordinance as may be amended from time to time. Reference to the amounts set forth herein in other portions of this code or in other ordinances may be made in such terms as “required fee,” “established fee,” “required license fee,” “license fee” and “license fee in the required amount,” without specific reference to this chapter, in which event the amounts herein set forth shall be applicable.

§ 110.42 COLLECTION, LATE PAYMENT CHARGE, SPECIAL ASSESSMENT.

Payment shall be made in accordance with billings from the city not later than the billing date established for the account. In addition to the charges provided, there shall be a late charge as set by the Council and as may be set from time to time for payments made after the fifteenth day after the billing date. When a charge is more than 15 days past due, it shall be considered delinquent. It shall be the duty of the ~~Clerk Administrator~~ City Administrator to endeavor to promptly collect delinquent accounts. All delinquent accounts shall be certified to the ~~Clerk Administrator~~ Director of Finance who shall prepare an assessment notice and present the assessments to City Council for certification to the tax roll. ~~roll each year providing for assessment of the delinquent amounts, plus interest at the rate of 8% per annum from the date they become delinquent against the respective properties served. This assessment roll shall be delivered to the Council for adoption on or before October 10 of each year.~~ The action may be optional or subsequent to taking legal action to collect delinquent accounts.

This ordinance shall be in full force and effect from and after its passage and publication according to law. Adopted by the Cambridge City Council this 19th day of March, 2018.

Marlys A. Palmer, Mayor

ATTEST:

Lynda J. Woulfe, City Administrator

Date of Publication: March 28, 2018

Summary Ordinance for Publication

The City Council of the City of Cambridge adopted Ordinance 667 amending Title XI Business Regulations, Chapter 112 Issuance of Licenses and Permits which regulates how the City issues a wide variety of licenses, license periods, insurance, bonding requirements, payment of property taxes by license holders, and fees. The complete ordinance is available for public inspection at the office of the City Administrator, 300 3rd Ave NE, Cambridge, Minnesota.

ATTEST:

Lynda J. Woulfe, City Administrator

Date of Publication: March 28, 2018