

Chapter 12

LICENSES AND BUSINESS REGULATIONS

Article I. In General

Sections 01 through 30.

Article II. Peddlers, Solicitors and Transient Merchants

Sections 31 through 54.

Article III. Tobacco Related Products

Sections 55 through 80.

Division 1. Generally, Sections 55 through 62.

Division 2. Licenses, Sections 63 through 80.

Article IV. Massage Parlors, Saunas, Steam Baths and Heat-Bathing Rooms

Sections 81 through 94

Article V. Pawnbrokers

ARTICLE I. IN GENERAL

Sections 01 through 30. Reserved.

ARTICLE II. PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

Section 31. Definitions.

For the purpose of this article:

Peddler: Means any person, whether a resident of the City of Chaska, or not, who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares or merchandise, or offering or exposing the same for sale, or making sales and delivering articles to purchasers. It does not include vendors of milk, bakery products, or grocers who distribute their products to regular customers on established routes.

Solicitor: Means any person, whether a resident of the City of Chaska or not, who goes house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for sales of goods, wares, or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery, or for service to be performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such order. Such definition includes any person who, for himself or for another person, firm or corporation, hires, leases, uses, or occupies any building, motor vehicle, trailer, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop, or other place within the City for the primary purpose of exhibiting samples and taking orders for future delivery. Such definition includes any person, organization, society, association, or corporation, who solicits in its name money, donations of money or property, of financial assistance of any kind, or sells or distributes any item of literature or merchandise for which a fee is charged, or solicits from persons other than members of such organizations upon the streets, in office or business buildings, by house to house canvass, or in public places for a charitable, religious, patriotic, or philanthropic purpose.

Transient Merchant: Includes any person, firm, or corporation, whether as owner, agent, consignee, or employee, whether a resident of the City of Chaska or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said City and who, in furtherance of such purpose, hires, leases, uses or occupies any building structure, motor vehicle, trailer, tent, railroad boxcar, boat, public room in hotels, lodging houses, apartments, shops, or any street, alley, or other place within the City for the exhibition and sale of such goods, wares, and merchandise, either privately or at public auction; provided, however, that such definition does not include any person, firm, or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. The person, firm, or corporation so engaged is relieved from complying with the provisions of this article merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer. (Ord. No.291 , Sec. 1,11/19/79)

Section 32. Permit required; fee.

It is unlawful for any peddler, solicitor, or transient merchant to engage in any such business within the City of Chaska without first obtaining a permit therefor in compliance with the provisions of this article, and paying a fee therefor as follows:

License fee. Thirty-five dollars (\$35.00) annually as provided in Section 35 of this chapter. (Ord. No.486, Sec. 1, 5/8/91)

Section 33. Exemptions.

The terms of this article do not include the acts of persons selling personal property at wholesale to dealers in such articles, nor to newsboys, nor to the acts of merchants or their employees in delivering goods in the regular course of business. Nothing contained in this article prohibits any sale required by statute or by order of any court, or prevents any person from conducting a bona fide auction sale pursuant to law. (Ord. No.291, Sec. 1, 11/19/79)

Section 34. Application for permit.

Applicants for a permit issued under this article shall file with the City Clerk a sworn application in writing on a form to be furnished by the City Clerk which shall give the following information:

- (a) Name and purpose of the cause for which the permit is sought; .
- (b) Names and addresses of the principal officers and directors of the organization, and the address and phone number of the main office of the company or organization conducting or sponsoring said solicitation;
- (c) Period during which solicitation is to be carried on;
- (d) Specific area within the City in which the solicitation is to be carried on; and
- (e) Whether or not any commission, fee, wages, or emoluments are to be expended in connection with such solicitation and the amount thereof. (Ord. No.291 , Sec. 1, 11/19/79)

Section 35. Investigation of applicant; issuance of permit.

- (a) Upon receipt of each application, the City Clerk shall immediately institute such investigation on the applicant's business and moral character as the Clerk deems necessary for the protection of the public good. The City Clerk shall then report his

findings to the City Council at the next regularly scheduled Council meeting and the Council shall thereupon determine whether such application shall be approved.

(b) If the Council determines, as a result of the Clerk's investigation, that the applicant's character or business responsibility is found to be unsatisfactory, the Council may disapprove such application and in such case, the applicant shall be notified that his application is disapproved and that no permit will be issued. If the character and business responsibility of the applicant is found to be satisfactory, the Clerk, within ten (10) days of such determination, shall cause a notice of the applicant's intention to solicit to be published in the official newspaper of the City of Chaska, such notice to contain the information required to be given by such applicant in the application filed with the Clerk pursuant to Section 34 hereof.

(c) Thereafter, the applicant may obtain his permit from the City Clerk. Such permit shall contain the signature of the issuer, the name and address of the permittee, the class of permit issued, the kind of goods to be sold thereunder, the date of issuance and the length of time, not to exceed one year from the date of issuance, that the same shall be operative, as well as the permit number and other identifying description of any vehicle used in such licensed business. Each peddler, solicitor, or transient merchant must secure a personal permit. No permit shall be used at any time by any person other than the one to whom it is issued. The Clerk shall keep a permanent record of all permits issued. (Ord. No.291 , Sec. 1, 11/19179)

Section 36. Loud noises and speaking devices.

No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the streets, alleys, parks, or other public places of the City or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any good, wares, or merchandise which such licensee proposes to sell. (Ord. No. 291, Sec. 1, 11/19/79)

Section 37. Use of streets.

No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this article, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (Ord. No.291, Sec. 1, 11/19179)

Section 38. Exhibition of permit.

Permittees are required to exhibit their permits at the request of any citizen. (Ord. No.291, Sec. 1,11/19179)

Section 39. Revocation of permit; notice.

Permits issued under the provisions of this article may be revoked by the Council of the City of Chaska after notice and hearing for any of the following causes:

- (a) Fraud, misrepresentation, or incorrect statement contained in the application for permit;
- (b) Fraud, misrepresentation, or incorrect statement made in the course of carrying on his business as a solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor;
- (c) Any violation of this article;

(d) Conviction of any crime or misdemeanor;

(e) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to health, safety, or general welfare of the public.

Notice of the hearing for revocation of a permit shall be given by the City Clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (Ord. No.291, Sec. 1, 11/19/79)

Section 40. Appeal.

Any person aggrieved by the action of the City Clerk in the denial of a permit as provided in Section 35 of this article may appeal to the Council. Such appeal shall be taken by filing with the Council, within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on such appeal and notice of hearing shall be given to the appellant in accordance with the provisions set forth in Section 39 of this chapter. (Ord. No.291, Sec. 1, 11-19-79)

Section 41. Reapplication.

No application will be accepted from a permittee whose permit has been revoked until at least six (6) months have elapsed since the last previous revocation. (Ord. No.291, Sec. 1, 11-19-79)

Section 42. Expiration of permit.

All annual permits issued under the provisions of this article shall expire at midnight the thirty-first day of December in the year when issued. Other than annual licenses all other licenses shall expire at midnight on the date specified on the license. (Ord. No.291, Sec. 1,11-19-79)

Sections 43 through 54. Reserved.

ARTICLE III. TOBACCO RELATED PRODUCTS

Sections 55 through 80.

(Ord. No. 641, Sec. 1, dated 07-06-98)

DIVISION 1. GENERALLY

Section 55. Disposition to young persons.

No person shall sell or give away any tobacco-related product to any persons below the age of eighteen (187) years. (Ord. No. 641, Sec. 2, 07-06-98)

Section 56. Definitions.

For the purpose of this Article:

Tobacco-related products: Means cigarettes, cigars, cheroots, stogies, perique, granulated, plug-cut, crimp-cut, ready, rubbed and other smoking tobacco; snuff, snuff flowers, cavendish, plug and twist tobacco; fine cut and other chewing tobacco; shorts, refuse, scripts, clippings, cuttings, and sweepings of tobacco, and other kinds and forms of tobacco, prepared

in such a manner as to be suitable for chewing, sniffing or smoking in a pipe; rolling paper or other tobacco-related devices; and, butane lighters and fluids.

Moveable place of business: Means a business whose physical location is not permanent or is capable of being moved or changed. (Ord. 641, Sec. 3, dated 07-06-98)

Sections 57 through 62. Reserved.

DIVISION 2. LICENSES

No person shall directly or indirectly or by means of any device, keep for retail sale, sell at retail or other wise dispose of any tobacco-related product at any place in the City unless a license therefore shall first have been obtained as provided in this division. (Ord. No. 122, Sec. 2, 11-03-41; Ord. No. 641, Sec. 4, 07-06-98)

Section 64. Where application is to be made; contents of application.

(a) Application for a license required by this division shall be made to the City Clerk on a form supplied by the City.

(b) Such application shall state the full name and address of the applicant, the location of the building and the part intended to be used by the applicant under such license, the kind of business conducted at such location and such other information as shall be required on the application form. (Ord. No.122, Sec. 2, 11/3/41)

Section 65. When application Is to be made.

The application for a license required by this division together with payment of the license fee shall be filed with the City Clerk not later than the first Monday of January of each year or the first Monday of the calendar month that first sale of tobacco-related products is made. (Ord. No. 122, Sec. 2, 11-03-41; Ord. No. 641, Sec. 5, 07-06-98)

Section 66. Presentation of application to Council; issuance of license.

(a) Upon the filing of an application for a license required by this division with the Clerk, the application shall be presented to the Council for its consideration.

(b) If the Council grants the license, the Clerk shall issue the license. (Ord. No. 122, Sec. 2, 11-03-41)

Section 67. Issuance contingent on making sales at places of business.

No license shall be issued for the sale of tobacco-related products at a movable place of business; nor shall any license be issued to one person, for the sale of tobacco-related products at more than one place of business. (Ord. 122, Sec 5, 11-03-41; Ord. 641, Sec, 7, 07-06-98)

Section 69. Licenses to be Issued to persons of good moral character.

No license required by this division shall be issued except to a person of good moral character. (Ord. No.122, Sec. 5, 11/3/41)

Section 70. Fees.

The fee for each license issued pursuant to this division shall be Two Hundred Dollars (\$200.00) per annum. For any such license issued after the last day in January in any year, or for any license issued for a term less than one year, the fee shall be prorated per month covered by the license. Licenses shall not be transferred. (Ord. No.122, Sec. 3, 11/3/41; Ord. No. 338A, Sec. 1, 10/18/82, Ord. No. 633, Sec. 1, 3/16/98)

Section 71. Return of license fee upon rejection of application.

If any application for a license required by this division is rejected by the City Council the license fee shall forthwith be returned to the applicant. (Ord. No.122, Sec. 2, 11/3/41)

Section 72. Expiration dates.

Every license required by this division shall expire on the last day of December next after its issuance. (Ord. No.122, Sec. 3, 11/3/41)

Section 73. Transferability.

Licenses issued in accordance with this division shall not be transferable from one person to another. (Ord. No.122, Sec. 3, 11/3/41)

Section 74. Revocation.

Every license issued pursuant to this division may be revoked by the Council for a violation of any provisions of this division if the licensee has been given a reasonable notice and an opportunity to be heard. (Ord. No.122, Sec. 6, 11/3/41)

Section 75. Display, exhibition required.

Every license issued pursuant to this division shall be kept conspicuously posted about the place for which the license is issued and shall be exhibited to any person upon request. (Ord. No.122, Sec. 4, 11/3/41)

Sections 76 through 80. Reserved.

**ARTICLE IV. MASSAGE PARLORS, SAUNAS, STEAM BATHS,
AND HEAT-BATHING ROOMS**

Section 81. Definitions

As used in this article, the following words and terms shall have the meanings stated.

Massage: Means the practice of rubbing, stroking, kneading, tamping or rolling of the body with the hands, for the exclusive purposes of relaxation, physical fitness, or beautification, and for no other purpose.

Massage therapist:

a) is a member in good standing of the American Massage Therapy Association, the Associated Bodywork & Massage Professionals, or other national organization of therapeutic massage professionals which has a similar written and enforceable code of ethics,

b) has insurance coverage of one million dollars (\$1,000,000.00) for personal liability in the practice of therapeutic massage, and

c) has either (1) a practitioner's degree with a minimum of four hundred (400) hours of class credits from a massage therapy school accredited by one of the national organizations listed in paragraph (a), or (2) at least two (2) years of full-time experience working as a massage therapist pursuant to a license from the City of Chaska.

Massage parlor: Means an establishment in the business of providing massage services, either to the public or as a private club.

Masseur: Means a male person who, for compensation, practices massage.

Masseuse: Means a female person who, for compensation, practices massage.

Sauna, steam bath, or heat-bathing room: Means a room used for the purpose of bathing, reducing, or relaxation utilizing steam or hot air as a cleaning, reducing or relaxing agent. (Ord. No. 271 , Sec. 1, 1/15/79)

Section 82. License required.

It is unlawful for any person to directly or indirectly upon any pretense or by any device engage in the business of keeping, conducting or operating any massage parlor, sauna, steam bath or heat-bathing room, which is open to the public or for which any charge or fee is made or any money or thing of value is solicited or received without first obtaining a license therefor from the City. The licensing requirements hereunder shall not apply to:

- a) Medical doctor, chiropractor, osteopath, podiatrist or nurse.
- b) Physical therapist, massage therapist, athletic director or trainer, or
- c) Beautician or barber. (Ord. No. 273, Sec. 2, 01/15/79)

Section 83. License application.

a) *Investigation fee.* All initial applications for licenses to operate massage parlors, saunas, steam baths or heat-bathing rooms shall be accompanied by a non-refundable investigation fee.

b) *Information required.* Applications shall contain the names and addresses of the owners, lessees, and operators of the applicant, together with a description and location of the premises. The application shall also include information as to any conviction of any crime or offense committed by the applicant, together with such other information as the Council may require before consideration of the application. All applications by corporation shall include the names and addresses of all persons having a beneficial interest therein.

c) *Investigations.* An investigation by the Building Official shall be conducted of all premises proposed to be licensed before consideration by the Council. The Police Department shall conduct investigation of all persons proposed to be licensed before consideration by the Council.

d) *Submission to Council.* All applications shall thereafter be considered by the Council. (Ord. No. 273, Sec. 3,1/15/79)

Section 84. License fee; term; exceptions to licensing requirements.

a) The annual license fee is two thousand five hundred dollars (\$2,500.00), and all initial applications shall be accompanied by an investigation fee of five hundred dollars (\$500.00).

b) All licenses issued hereunder shall terminate on the last day of December of each year.

c) The above license fee shall not apply to such uses as defined in Section 81 of this chapter when such uses are merely incidental operations of a bona fide sports and health club or club of such type, which club has at least one hundred (100) registered members and where such uses occupy less than five percent (5%) of the building or structure of said club. (Ord. No. 273, Sec. 4, 1/15/79)

Section 85. Denial of license.

Licenses may be granted only for locations in the C-2 commercial district and the C-3 cent business district of the City to establishments which can meet the safety, sanitary and building code requirements of the City, and a license shall not be granted if granting the license would be inconsistent with the comprehensive development plans of the City, or would otherwise have a detrimental effect up, other property or properties in the vicinity. The license may be denied for any of the following reasons:

- a) The proposed use is in conflict with the City Zoning ordinance;
- b) The proposed use is in conflict with any health, building, building maintenance, or other provision of the City Code or State Law;
- c) The application contains false, fraudulent or deceptive statements;
- d) The applicant, or any employee or proposed employee, has previously been convicted of violation of this section, or of any law prohibiting prostitution, pandering or keeping a disorderly house;
- e) The applicant or any employee or proposed employee is under eighteen (18) years of age;
- f) The applicant has not complied with all of the other provisions of this article;
- g) The applicant has, within one (1) year prior to the date of application, been denied a similar license elsewhere, or has within such period had its license revoked;
- h) Engaging in any conduct which would constitute grounds for refusal to issue a license. (Ord. No. 273, Sec. 5,1/15/79)

Section 86. Restrictions and regulations.

a) The licensee and the persons in its employ shall comply with all applicable regulations laws of the City and State relating to safety and morals.

b) If the licensee is a partnership or a corporation, the applicant shall designate a person to be manager and in responsible charge of the business and upon whom service of process may be made. Such a person shall remain responsible for the conduct of the business until another suitable person has been designated in writing by the licensee. The licensee shall within five (5) days notify the Police Department in writing of any change, indicating the name and address of the new manager and the effective date of such change.

c) The licensee shall furnish the Police Department with a list of current employees indicating their names, addresses and which employees are practicing massage as a part of their duties. The licensee shall, within five (5) days, notify the Police Department of any change in the list.

d) The licensed premises shall not be open for business nor shall patrons be permitted on the premises between the hours of 12:00 a.m. and 8:00 a.m. of the same day.

e) The licensee shall permit and allow the inspection of the premises during business hours by all appropriate City employees.

f) Upon demand by any police officer any person employed in any licensed premises shall identify himself by giving his true legal name and his current address.

g) No person under eighteen (18) years of age shall be employed in an establishment requiring a license under the provisions of this section.

h) No such business shall employ or use any person as a masseur or masseuse unless such person is currently registered with the City. Any person acting as a masseur or masseuse in any such business shall have his/her registration certificate displayed in a prominent place in the licensee's premises. (Ord. No. 273, Sec. 6, 1/15/79)

Section 87. Submission of plans and specifications.

All persons who hereafter construct, extensively remodel or convert buildings or facilities for use as massage parlors, saunas, steam baths or heat-bathing rooms, which are open to the public, shall conform and comply in their construction, erection or alteration with the requirements of this section. Two (2) copies of plans and specifications for such construction, remodeling or alteration which show layout, arrangement and plumbing and construction materials of the bathing areas and locations, and size and type of equipment and facilities shall be filed by the owner or his agent prior to the issuance of a building permit. One (1) copy of the plans and specifications shall be submitted to the Building Official at least three (3) days before the issuance of a building or construction permit. (Ord. No. 273, Sec. 7, 1/15/79)

Section 88. Construction and maintenance requirements.

a) All sauna rooms, steam baths, or heat-bathing rooms and all restrooms and bathrooms used in connection therewith shall be constructed of materials which are impervious to moisture, bacteria, mold or fungus growth. The floor-to-wall and wall joints shall be constructed to provide a sanitary cove with a minimum radius of one (1) inch.

b) All restrooms shall be provided with mechanical ventilation with two (2) cfm per square feet of floor area, a hand-washing sink equipped with hot and cold running water under pressure, sanitary towels and a soap dispenser.

c) All rooms in the licensed premises including, but not limited to, sauna rooms, massage rooms, steam baths, heat-bathing rooms, restrooms, bathrooms, janitor's closet, hallways and reception area shall be illuminated with not less than thirty (30) foot candles of illumination.

d) Each establishment shall have a janitor's closet which shall provide for the storage of cleaning supplies. Such closet shall include a mop sink.

e) Floors, walls and equipment in sauna rooms, massage rooms, steam baths, heat-bathing rooms, restrooms, bathrooms, janitor's closet, hallways, and reception area used in connection therewith must be kept in a state of good repair and clean at all times. Linens and other materials shall be stored at least twelve (12) inches off the floor. Clean towels and wash cloths must be made available for ea customer.

f) Individual lockers shall be made available for use by patrons. Such lockers shall have separate keys for locking.

g) Such establishments shall provide adequate refuse receptacles which shall be emptied required.

h) The doors to the individual massage rooms, steam baths, saunas, or heat-bathing rooms shall not be equipped with any locking device and shall not be blocked or obstructed from either side. (Ord. No. 273, Sec. 8, 1/15/79)

Section 89. Insurance required.

Each applicant for a license under this section shall file with the City a public liability insurance policy or Certificate of Insurance from a company authorized to do business in Minnesota, insuring t applicant against any and all losses arising out of the use, operation, or maintenance of the massage, parlor. The policy of insurance shall be in limits of not less than one hundred thousand dollars (\$100,000.00) for injury or loss to one person, three hundred thousand dollars (\$300,000.00) for each occurrence and twenty-five thousand dollars (\$25,000.00) for property damage. Failure to keep in full force and effect the insurance required herein is grounds for revocation. (Ord. No. 273, Sec. 9, 1/15/79)

Section 90. Revocation and suspension of license.

The license may be revoked, suspended or not renewed by the City upon a showing that the licensee, its owners, managers, employees or agents have engaged in any of the following conduct:

a) The sale, use or possession of a controlled substance as defined in Minnesota Statutes, al which sale, use or possession is violative of Minnesota law;

b) Conduct involving moral turpitude;

c) Failure to fully comply with the requirements of the Code of ordinances of the City of Chaska Minnesota;

d) Conviction of an offense involving moral turpitude by any court of competent jurisdiction. (01 No. 273, Sec. 10, 1/15/79)

Section 91. Unlawful acts.

It is unlawful for any person to commit or attempt to commit, conspire to commit, or aid or abet in the commission of, any act constituting a violation of this article, whether individually or in connection with one or more persons or as a principal, agent or accessory. It is unlawful for any person to falsely, fraudulently, forcibly or willfully induce, cause, coerce, require, permit or direct another to violate any the provisions of this article. (Ord. No. 273, Sec. 11, 1/15/79)

Section 92. Masseur and masseuse registration.

a) *Registration required.* It is unlawful for any person to practice massage unless duly registered with the City of Chaska.

b) *Registration application.* All applications for registration to practice massage shall be accompanied by a medical certificate from a physician duly licensed to practice medicine in the

State of Minnesota stating that the applicant has no communicable disease. Applications shall contain such other information as the Council may, from time to time, require. All applicants shall be at least eighteen (18) years of age.

c) *Fee and term.*

(1) The annual registration fee for a masseur or masseuse shall be one hundred twelve dollars (\$112.00). (Resolution No. 10-92 12-06-10)

(2) All registrations issued hereunder shall expire on December 31 of each year. (Ord. No. 273, Sec.12, 1/15/79)

Section 93. Restrictions and regulations relative to masseur, masseuse.

All registrants shall comply with the following provisions, and failure to comply therewith shall be cause for revocation of registration:

a) Display current Certificates of Registration in a prominent place at their place of employment;

b) Upon demand of any police officer at the place of employment, produce correct identification;

c) Practice massage only at such location as is designated in the Registration Certificate;

d) Inform the City Administrator in writing of any change in location prior to such change;

e) Refrain from the sale, use or possession of a controlled substance as defined by Minnesota Statutes and which sale, use or possession is violative of Minnesota law;

f) Refrain from engaging in conduct involving moral turpitude;

g) Comply with the requirements of the Code of Ordinances of Chaska, Minnesota and with Minnesota Statutes;

h) Refrain from engaging in any conduct which would constitute grounds for refusal to issue a Certificate of Registration. (Ord. No. 273, Sec. 13, 1/15/79)

Section 94. Violation of article defined.

Every person who violates a section, subdivision, paragraph or provision of this article when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is 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 petty misdemeanor, except as otherwise stated in specific provisions hereof. (Ord. No. 273, Sec. 14, 1/15/79)

Sections 95 through 109. Reserved.

ARTICLE V. PAWNBROKERS

Section 12-110. Purpose.

The City Council finds that pawnbrokers and secondhand goods dealers potentially provide an opportunity for the commission of crimes and their concealment because such businesses have the ability to receive and transfer stolen property quickly and easily and consumer protection warrants the regulation of transactions involving pawnbrokers and secondhand goods dealers as defined herein. Furthermore, the City Council finds that based upon the experiences of other communities which have pawnbrokers and secondhand goods dealers within their communities that there is a significant increase in the time spent by local law enforcement personnel in the checking and regulating of such businesses through record checking, patrol, checking of inventory, searches, etc.

Section 12-111. Adoption of Minnesota Statutes.

Minnesota Statutes, Chapter 3251 {Pawnbrokers Regulations}, as same may be amended from time to time is hereby adopted in its entirety and incorporated herein and made apart hereof the same as if completely set forth in full, and is referenced herein as the "Pawnbrokers Regulations".

Section 12-112. Definitions.

In addition to the definition set forth in the Pawnbrokers Regulations, **Secondhand Goods Dealer** means a person whose regular business includes selling and/or receiving tangible personal property and whose business is organized for such sales, excluding motor vehicles, furniture, kitchen appliances, clothing, and related accessories previously used, rented, owned or leased; and such secondhand goods dealer shall obtain a secondhand goods dealer's license as herein provided.

Section 12-113. License Required.

In addition to the provisions of the Pawnbrokers Regulations, the following requirements must be met:

- A. No person shall engage in or carry on the business of pawnbroker or secondhand goods dealer without a license issued therefor by the City of Chaska for each and every separate office or place of business operated by such licensee within the corporate limits of the City of Chaska.
- B. The annual fee for a pawnbroker's license shall be the sum of Ten Thousand and 00/100 Dollars (\$10,000.00) and each license shall expire on December 31 of the year of issuance. After the initial year, each license shall commence on January 1 of each year and terminate on December 31 of the year of issuance.
- C. The annual license fee shall be paid in full before the application for a license is accepted. In the event the initial license is for less than a full year, the annual license fee shall be prorated on a monthly basis, or any part thereof exceeding fifteen (15) days. In the event a license is terminated during the license year, there shall be no refunding of the unused portion of the license fee.
- D. In the event an application for a pawnbroker's license is not issued for any reason, including a background investigation of the applicants as hereinafter provided, said

license fee shall be refunded, less the sum of Two Hundred Fifty and 00/1 00 Dollars (\$250.00) as and for said investigation. Together with and in addition to the license fee above provided, a \$500.00 fee for background check as provided by Section 12-114 (B) shall accompany all applications.

E. A license under this Section shall authorize the licensee to carry on a pawnbroker's business only at the permanent place of business designated in the license. No license may be transferred to a different location or to a different licensee without approval of the City. Any change, directly or beneficially, in the ownership of any license or licensed business location shall require the application for a new license and said new owner must meet all the qualifications and eligibility requirements hereunder, and, any fees required hereunder shall be paid.

F. Any and all property or building use for storage of items related to the business of a pawnbroker must be identified in the application.

G. A pawnbroker may not operate or engage in the business of a secondhand goods dealer without having obtained a separate license therefor in addition to a pawnbroker's license; and a secondhand goods dealer may not conduct, operate, or engage in the business of pawnbroker without having first obtained a pawnbroker's license. The procedures and fees for obtaining a secondhand goods dealer's license shall be the same as for a pawnbroker's license.

H. The aforementioned license requirements do not apply to or include the following:

1. The sale of secondhand goods where all of the following conditions are present:

- a. The sale is held on property occupied as a dwelling by the seller, or owned, rented or leased by a charitable or political organization;
- b. The items offered for sale are owned by the occupant.
- c. The sale does not exceed a period of seventy-two (72) consecutive.
- d. Not more than two (2) sales are held either by the same person or on the same property in any twelve month period; and
- e. None of the items offered for sale have been purchased for resale or received on consignment for purpose of resale.

2. Sales by a person licensed as a motor vehicle dealer.

3. The sale of secondhand books, magazines, sound or video recordings or films.

4. The sale of goods at an auction held by a licensed auctioneer.

5. The business of buying or selling only those secondhand goods taken as part or full payment for new goods, and where such business is incidental to and not the primary business of a person.

6. A bulk sale of property from a merchant, manufacturer or wholesaler having an established place of business or of goods sold at open sale from bankrupt stock.

7. Goods sold at a public market.
8. Goods sold at an exhibition.
9. The sale of furniture, kitchen appliances, clothing, and related accessories.

I. No pawnbroker license or secondhand goods dealer license approved by the City grants to licensee a property right or entitlement to the license. The City may refuse to issue or renew, or may revoke the license for any reason and will not incur liability for any damages including, but not limited to, direct, consequential, or incidental damages, deprivation of property, loss of income, loss of profits or loss of livelihood.

Section 12-114. Application Procedure and Licensee Eligibility .

In addition to the requirements of Pawnbrokers Regulations. the following shall apply:

A. All applicants requesting a license pursuant to this Ordinance shall be required to submit to a comprehensive background investigation, including a criminal history check and pay the fee therefor in accordance with this Section.

B. Every applicant for a license to maintain, operate or conduct a pawnbroker business or a secondhand goods dealer business shall file a completed application under oath with the City upon a form provided by the office of the City Clerk and pay a non-refundable Five Hundred and 00/100 Dollar (\$500.00) application fee. In addition to the application fee, applicants will be responsible for all costs involved in the required background investigation that exceed the application fee. A good faith estimate of said costs will be provided to the applicant prior to the start of the background investigation. The application, once accepted, shall be referred to the Chaska Police Department for investigation. Copies of this application shall be forwarded to such other City departments as shall be necessary for verification and the investigation of the facts set forth in the application.

C. The Chief of Police, or his or her designee, shall make a written recommendation as to the issuance or non-issuance of the license within thirty (30) days. The completed application form shall contain all information indicated, including:

1. Full name, place and date of birth and street residence of the applicant.
2. The business address and the name and address of the owner of the premises.
3. A statement as to whether, within the preceding five (5) years, the applicant has been convicted of any law relating to theft, damage or trespass to property, sale of a controlled substance; the nature of such offense and the penalty assessed.
4. Whether the applicant is a natural person, corporation or partnership, and
 - a. If the applicant is a corporation, the State of the incorporation and the names and addresses of all officers and directors.

b. If the applicant is a partnership, the names and addresses of all partners.

5. The name of the manager or proprietor of the business.

6. Each application shall be accompanied by a bond in the amount of Five Thousand and 00/100 Dollars (\$5,000.00) executed by a corporation authorized to do business in this State and conditioned that in conducting such business the licensee will observe all laws in relation to pawnbrokers and will conduct business in conformity thereto, and that the licensee will account for and deliver to any person legally entitled any goods which have come into the licensee's possession through the licensee's business as a pawnbroker, or in lieu thereof, will pay the reasonable value in money to the person. Such bond shall be maintained so long as the pawnbroker does business and shall be for the benefit of the City' or any person who shall suffer any damage through the act of such pawnbroker and shall not be terminable without the bond company giving written notice thirty (30) days in advance of termination to the City Clerk.

7. Copies of the applicants Federal and State tax returns for the preceding three (3) years for the applicant, each officer of a corporation or each partner .

8. Personal financial statement for each applicant, partner, or shareholder of a corporation, whichever is applicable.

D. If the applicant is a natural person. the application shall be signed and sworn to by the applicant; if a corporation, by an agent authorized to sign; if a partnership, by a general partner .

E. No person shall make any material false statement in the application. In addition to other penalties, the licensee's license may be revoked by the City Council for giving false information on the application. .-.

F. A new application fee shall be required whenever there is any change in the facts presented by the application other than date, applicant(s)' home address or building owner(s)' address. A new application fee shall be charged whenever a license is not renewed prior to its expiration.

Section 12-115. Records Required.

In addition to the requirements of Pawnbrokers Regulations. the following shall apply:

A. Every pawnbroker or secondhand goods dealer purchasing or receiving on deposit for a loan any article of personal property shall give to the person selling or depositing such article a plain written or printed ticket. or receipt for the article sold or deposited, showing the terms of such sale or loan. The following shall be printed on all pawn tickets:

1. The statement that, "Any personal property pledged or sold to a pawnbroker within this City is subject to sale or disposal when there has been no payment made on the account for a period of not less than one hundred twenty (120) days past the date of the pawn transaction, renewal, or extension; no further

notice is necessary. There is no obligation for the pledgor to redeem pledged goods "

2. The statement that "The pledgor of this item attests that it is not stolen, the pledgor attests the property belongs to him/her, it has no liens or encumbrances against it, and the pledgor has the right to sell or pawn the item."

3. The statement that "This item is redeemable only by the pledgor to whom the receipt was issued, or any person identified in a written and notarized authorization to redeem the property identified in the receipt, or 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 the original pledgor must be maintained along with the original transaction record." and

4. A blank line for the pledgor's signature.

B. Each licensee shall keep a record of each transaction made. Such records shall be in a form prescribed by the Chief of Police, at his/her discretion, and shall, in all instances, be legible, made in ink, and be in the English language: or in the case of computerized records, data shall be accurately entered. The pawnbroker shall maintain said records on the premises for all pawn transactions for at least three (3) years from the date of each transaction. The records kept shall include the following information about each transaction:

1. The full name, residence address, residence telephone number and date of birth of the pledgor or seller. .

2. The time and date of the transaction.

3. A complete description of the item pledged or sold. including all identifying numbers and identifying marks.

4. A physical description of the person pawning or selling the item, including:

a. Sex.

b. Height.

c. Weight.

d. Race.

e. Color of eyes,

f. Color of hair,

g. Identifiable right thumbprint and left thumbprint.

5. The amount of money paid or loaned for the item, including the following:

a. The maturity date of the pawn transaction and the amount due; and

b. The monthly and annual interest rates, including all pawn fees and charges.

6. The signature of the person pledging or selling the item.
7. The identification number from any of the following forms of identification of the seller:
 - a. Valid Minnesota picture driver's license;
 - b. Current valid Minnesota picture identification card: or .
 - c. Current valid photo identification card issued by another State or a Province of Canada.
8. In the event that the property is stored at a place other than the permanent place of business designated in the license, the location of the property or buildings used for the storage of the item must be identified in the application for the pawnbroker or secondhand goods dealer license as set forth in Section 12.113.
9. Any other information the Chief of Police shall require. Every pawnbroker or secondhand goods dealer shall make available to the Chief of Police every day, before the hour of 12:00 noon, a complete, legible and correct copy of the records required by this Section for all transactions which occurred on the previous day. In addition, a computer disk compatible with Chaska Police Department computer records will be made available to the Chief of Police weekly, before the hour of 12:00 noon on Tuesday for all transactions occurring the previous week. The records required herein shall be kept at the . licensee's place of business for three (3) years and shall be available for police inspection at any reasonable time.
10. A clearly recognizable photograph or video of the person pledging or selling the item.

C. For the following items, regardless of resale price, a secondhand goods dealer or pawnbroker must make out, on forms approved by the appropriate law enforcement agency and sent daily by mail to the appropriate law enforcement agency, a legible description of the goods received during the preceding day, together with the time received and a description of the person from whom the goods were received:

1. Items with a serial number identification, or "operation identification" symbol:
2. Cameras:
3. Electronic audio or video equipment:
4. Precious jewelry or gems and precious metals;
5. Artist-signed or artist-attributed works of art;
6. Guns and firearms: and

7. Items not included in the above, except furniture and kitchen or laundry appliances, which the secondhand goods dealer intends to sell for more than Two Hundred and 00/100 Dollars (\$200.00).

8. The licensee shall participate in the Automated Pawn System (APS) and shall pay all expenses connected with this program.

Section 12-116. Inspection.

Any person, firm, or corporation licensed under the provisions of this Ordinance, shall, at all times during the terms of said license, allow the officers of the police force of the City to enter the premises where the licensee is carrying on such business or at any property or buildings used for storage of items related to the business, for the purpose of inspecting such premises and inspecting the goods, wares, and merchandise therein for the purpose of locating goods suspected or alleged to have been stolen or otherwise improperly disposed of.

Section 12-117. Holding of Property .

In addition to the requirements of Pawnbrokers Regulations. the following shall apply:

A. When the Chief of Police, or any member of the police force designated by the Chief of Police, notifies any pawnbroker or secondhand goods dealer not to sell any property received on deposit or purchased by him, or not to permit the same to be redeemed. the pawnbroker shall not sell nor permit such property to be redeemed until such property is released in writing by the Chief of Police or his/her designee.

B. No personal property deposited with or purchased by any licensee under this Section 12-117 shall be sold from the place of business of licensee until one hundred twenty (120) days after the copy of the records required by this Ordinance have been made available to the Chief of Police. except upon written permission of the Chief of Police.

C. No personal property deposited with or purchased by any licensee under this Ordinance shall be permitted to be redeemed from the place of business of licensee until three (3) working days after the copy of the records required under this Ordinance have been made available to the Chief of Police, except upon written permission of the Chief of Police.

D. In addition to the other requirements of this Section, a pawnbroker who holds a title to a motor vehicle as part of a pawn transaction shall:

1. Be licensed as a used motor vehicle dealer under Section 168.27, and post such license on the pawn shop premises;

2. Verify that there are no liens or encumbrances against the motor vehicle with the Department of Public Safety; and

3. Verify that the pledgor has automobile insurance on the motor vehicle as required by law.

E. A pawnbroker may not sell a motor vehicle covered by a pawn transaction until one hundred twenty (120) days after recovery of the motor vehicle.

Section 12-118. Report of Stolen or Lost Goods,

If any goods, articles or things shall be advertised in any public newspaper in general circulation in the City as having been lost or stolen, and such goods, articles or things shall then be, or shall thereafter come into the possession of any licensee under the terms hereof, said licensee shall, upon actual notice of such fact, immediately thereafter, as a supplement to said licensee's daily report for that day to the Chief of Police, give information in writing that such goods, articles or things advertised are in said licensee's possession and such licensee shall not thereafter dispose of the same except upon written authority so to do from the Chief of Police of the City

Section 12-119. Redemption Period.

Any person who pawns an item shall have one hundred twenty (120) days to redeem the item before it may be sold.

Section 12-120. Prohibited Transactions.

In addition to the requirements of the Pawnbrokers Regulations, the following shall apply:

A. No pawnbroker or secondhand goods dealer shall purchase or receive on deposit or pledge anything of value as security for a loan of money from any person, male or female, under age 18, nor knowingly from an intoxicated person or one of unsound mind.

B. A pawnbroker or secondhand goods dealer may not receive goods unless the seller presents identification in the form specified in Section 12-115.

C. No person may pawn, pledge, sell, leave or deposit any article of property not their own; nor shall any person pawn, pledge, sell, leave or deposit the property of another, whether with permission or without; nor shall any person pawn, pledge, sell, leave or deposit any article of property in which another has a security interest with any licensee.

D. No person seeking to pawn, pledge, sell, leave or deposit any article of property with any licensee shall give a false or fictitious name; nor give a false date of birth; nor give a false or out of date address of residence or telephone number; nor present a false driver's license or identification card to any licensee.

E. No person shall participate in a pawn transaction more than five (5) times in a twelve (12) month period.

Section 12-121. Signage.

All exterior signage shall comply with the Chaska Zoning Ordinance, and in addition thereto a licensee shall, by adequate signage and separate written notice, inform persons seeking to pawn, pledge, sell, leave or deposit articles of property with the licensee of the foregoing requirements:

A. For the purpose of this Section. "adequate signage" shall be deemed to mean at least one sign, of not less than four (4) square feet in surface area, comprised of lettering of not less

than three-quarters (3/4) of an inch in height, posted in a conspicuous place on the licensed premises and stating substantially the following:

TO PAWN OR SELL PROPERTY: YOU MUST BE AT LEAST 18 YEARS OF AGE. YOU CANNOT PAWN ANY PROPERTY FOR ANOTHER PERSON. YOU MUST BE THE TRUE OWNER OF THE PROPERTY. THE PROPERTY MUST BE FREE OF ALL CLAIMS AND LIENS. YOU MUST PRESENT VALID PHOTO IDENTIFICATION. VIOLATION OF ANY OF THESE REQUIREMENTS IS A CRIME!

B. For the purposes of this Section, "separate written notice" shall be deemed to mean either the receipt, as required in this Ordinance, or a printed form, incorporating a statement to the effect that the person pawning, pledging, selling, leaving or depositing the article is at least eighteen (18) years of age; is the true owner of the article; is not pawning the property for another person; and that the article is free of all claims and liens, which is acknowledged by the way of signature of the person pawning, pledging, selling, leaving or depositing the article.

Section 12-122. Permitted Charges and Hours of Operation.

A. Notwithstanding any other statute, ordinance, rule, regulation, or Minnesota Statutes, Section 3251.13, a pawnbroker may contract for and receive a pawn shop charge not to exceed three percent (3%) per month of the principal amount advanced in the pawn transaction, plus a reasonable fee for storage and services. A fee for storage and services may not exceed Twenty and 00/100 Dollars (\$20.00) if the property is not in the possession of the pawnbroker.

B. The pawn shop charge allowed under the above paragraph shall be deemed earned, due and owing as of the date of the pawn transaction and a like sum shall be deemed earned, due and owing on the same date of the succeeding month. However, if full payment is made more than two (2) weeks before the next succeeding date the pawnbroker shall remit one-half (1/2) of the pawn shop charge for that month to the pledgor.

C. Interest shall not be deducted in advance, nor shall any loan be divided or split so as to yield greater interest or fees than would be permitted upon a single consolidated loan or for otherwise evading any provisions of this Section.

D. Any interest, charge or fees contracted for or received, directly or indirectly, in excess of the amount permitted under this Section, shall be uncollectible and the pawn transaction shall be void.

E. A schedule of charges permitted by this Section shall be posted on the pawn shop premises in a place clearly visible to the general public.

F. Hours of operation shall be from 7:00 a.m. to 6:00 p.m. Legal Holidays and Sundays shall be prohibited from all transactions.

Section 12-123. Storage of Firearms.

A pawnbroker or secondhand goods dealer holding for sale a firearm or other dangerous weapon shall, during normal working hours, store the firearm or dangerous weapon in an unloaded state in a locked and opaque compartment, except when being viewed by a customer, following a request to view the firearm or dangerous weapon; and, during non-business hours said firearms or dangerous weapons shall be stored and secured in an unloaded state in a locked safe or other container made of steel and at least one-quarter inch thick, or the equivalent thereof, or in such other place as approved by the Chaska Chief of Police.

Any pawnbroker or secondhand goods dealer holding for sale any firearm or other dangerous weapon shall have their place of business where such firearms or dangerous weapons are stored equipped with a silent alarm system connected to the Carver County Sheriff's Department.

Section 12-124. Persons Ineligible for License.

In addition to the provisions of the Pawnbrokers Regulations, the following shall apply:

A pawnbroker or secondhand goods dealer license will not be issued or re-issued to:

1. A person not a citizen of the United States or a resident alien;
2. 2. A person under 21 years of age;
3. Subject to the provisions of law, a person who within ten (10))years of the license application date has been convicted of receiving stolen property, sale of stolen property or controlled substance, burglary, robbery, damage or trespass to property, felony theft, larceny, fraud, or any law or ordinance regulating the business of pawnbroker or secondhand goods dealer;
4. A person who within five (5))years of the license application date had a pawnbroker or secondhand goods dealer license revoked;
5. A person who has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, Section 364.03. Subdivision 2, unless the person has shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a licensee under this Section as prescribed by Section 364.03. Subdivision 3.
6. A person whom the City Council determines not to be of sufficient good moral character and repute; or
7. When the City Council determines, after investigation and public hearing, that issuance or renewal of the license would adversely affect the public health, safety, or welfare.

Section 12-125. Places Ineligible for License.

In addition to the provisions of the Pawnbrokers Regulations, the following shall apply:

A license will not be issued or renewed under this Section for any place or for any business:

1. If taxes, assessments or other financial claims of the City or the State of Minnesota on the licensee's business premises are delinquent and unpaid: or
2. If the premises is located within three hundred (300) feet of a school or church; or
3. Where operation of a licensed premises would violate zoning ordinances: or
4. If the premises is located within ten (10) driving miles of any gambling casino.

Section 12-126. Method of Payment.

When a pawnbroker or secondhand goods dealer accepts an item for purchase or as security for a loan, payment shall be made by check only, made payable to the actual intended seller or borrower.

Section 12-127. Denial. Suspension or Revocation of License.

- A. Any license issued hereunder may be denied, suspended or revoked for any of the following reasons:
 1. Any conflict with the Chaska Zoning Ordinance:
 2. Any conflict with any health, building, building maintenance or provisions of this Code of Ordinance or State law:
 3. Failure by the applicant to comply with one or more provisions of Section 12-110 through Section 12-126;
 4. Fraud, misrepresentation or bribery in securing a license:
 5. Fraud, misrepresentation or false statements in the course of the applicant's business:
 6. The applicant was convicted of violating any law relating to theft, damage or trespass to property, sale of a controlled substance or unlawful operation of business within the preceding ten (10) years.
- B. The appropriate local law enforcement agency shall be notified by the municipality of any licensee whose license has expired or been surrendered, suspended, or revoked.

Section 12-128. Applicability.

The licenses required by Section 12-113 shall for existing businesses be applied for within thirty (30) days of the effective date of this Ordinance. Said licenses shall be obtained within sixty (60) days of the effective date of this Ordinance. If said licenses are not obtained within the sixty (60) day period, the designated business shall cease operating within the City, unless the City Council extends the time for issuance of the license. All other provisions of this

Ordinance shall be effective and complied with within sixty (60) days after the effective date of this Ordinance.

Section 12-129. Separability.

Should any Section, subdivision, clause or other provision of this Ordinance 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 to be invalid.

Section 12-130. Penalty.

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Seven Hundred and 00/100 Dollars (\$700.00) or by imprisonment of not more than ninety (90) days, or both, plus costs of prosecution in either case.

Sections 12-131 through 12-150. Reserved.

ARTICLE VI. Fireworks.

Section 6.1. The purpose of this Article is to regulate the sale of permitted consumer fireworks in order to protect the health, safety and welfare of the general public. The City Council makes the following findings regarding the need to license and regulate the sale, distribution, storage and display of fireworks permitted under Minnesota law:

A. Consumer fireworks contain pyrotechnic chemical compositions that are combustible; and accordingly, the unregulated accumulation, storage, display and sale of these items presents a fire safety hazard.

B. Accurate information concerning the addresses and locations of persons dealing in permitted consumer fireworks in the City is necessary to facilitate the inspection of the premises for compliance with necessary safety regulations and performance standards and to assist the City in responding to any emergency situation arising out of or adjacent to businesses storing such fireworks.

Section 6.2. **Definitions.** "Legal" or "permitted" fireworks is defined to mean:

A. Those non-explosive, non-aerial pyrotechnic entertainment devices containing only the limited amounts of pyrotechnical chemical compositions permitted by Minnesota Statutes, Section 624.20, Subdivision 1 (c).

Section 6.3. **Prohibition.** No person shall keep for retail sale or wholesale distribution, sell at retail or wholesale or otherwise supply or furnish as a part of a commercial transaction fireworks except as provided in Minnesota Statutes, Section 624.20 through 624.25, inclusive, and unless said person has a current license therefor from the City of Chaska as hereinafter provided.

Section 6.4. **License.**

A. **Application.**

1. The application for a license under this Ordinance shall be submitted on a form supplied by the City of Chaska.
2. The annual license fee of each retail seller that is in the business of selling only the items authorized under Minnesota Statutes, Section 624.20, Subdivision 1 (c), shall be \$350.00; and the annual license fee for each other retail seller shall be \$100.00.
3. The license period for sale or storage of fireworks in a temporary structure shall be from the date of approval of the application until termination of sale of fireworks for a period of seventy-two (72) hours; and the license period for all other licensees shall be for one (1) year for the period of January 1 through December 31.
4. If license terminates for any reason, there shall be no pro-rata refund of the license fee. (Ord. No. 763, Sec. 6.4 A/05-03-04)

B. **Legal Entities.**

The license granted hereunder shall be for both a person (including corporations, partnerships or other business entity) and for a premises, both of which must qualify therefor under Minnesota Statutes, Section 624.20 through 624.25, inclusive, and this Ordinance.

C. **License Display.**

The license issued hereunder shall be posted in a conspicuous place on the premises which are licensed hereunder.

D. **Separate License.**

A separate license shall be required for each premises from which fireworks are sold or stored.

E. **Non-Transferable.**

Each license issued hereunder shall be issued to the applicant and the license is not transferable.

6.5 **Premises.**

A. **Sale and Storage.**

Every premises from which fireworks are either sold or stored shall:

1. Comply with the provisions of the National Fire Protection Association Standard 1124 (2003 Edition) for the manufacture, storage, or transportation of fireworks.
2. Any temporary structure in which fireworks shall be stored or held for sale or sold, shall comply with the Zoning Ordinance of the City of Chaska.

3. Any structure in which fireworks will be stored or held for sale shall, prior to storage or any sale thereof, be inspected by the Fire Marshal of the City of Chaska or his/her designee. (Ord. No. 763, Art. VI, Sec. 6.5/05-03-04.)

6.6 **Penalty.** The violation of any provision of this Ordinance shall be a misdemeanor under Minnesota law.

6.7 **Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance.
(Amended 01-06-03)