

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Riddhi Mistry, being first duly sworn, deposes and says that on the twenty-fifth day of February she served the attached **NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION OF \$500 MATRIX PENALTY AND LICENSE SUSPENSION** and a correct copy thereof in an envelope addressed as follows:

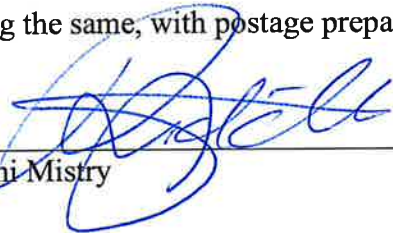
Brian Kirov Petkov
d/b/a Brian Kirov Petkov
457 Iglehart Ave.
St. Paul, MN 55103
Attn: Brian Kirov Petkov

Brian Kirov Petkov
457 Iglehart Ave.
Saint Paul, MN 55103

Vaselina M Yankova Petkova
457 Iglehart Ave.
Saint Paul, MN 55103

Jens Werner, Executive Director
Summit University Planning Council
375 Selby Avenue #9
Saint Paul, MN 55102

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

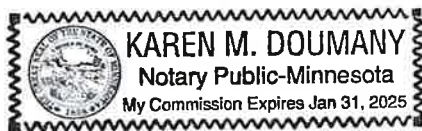


Riddhi Mistry

Subscribed and sworn to before me
This 25th day of February 2025



Notary Public





February 25, 2025

**NOTICE OF VIOLATION
AND REQUEST FOR IMPOSITION OF
\$500 MATRIX PENALTY AND LICENSE SUSPENSION**

Brian Kirov Petkov
d/b/a Brian Kirov Petkov
457 Iglehart Ave.
St. Paul, MN 55103
Attn: Brian Kirov Petkov

RE: Short-Term Rental (Owner Occupied) license held by Brian Kirov Petkov d/b/a Brian Kirov Petkov for the premises located at 457 Iglehart Ave., in Saint Paul.
License ID #: 20230001726

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended adverse action against the Short-Term Rental (Owner Occupied) license held by Brian Kirov Petkov ("Licensee"). Brian Kirov Petkov located at 457 Iglehart Ave. ("Licensed Premises").

Legal Basis for Action:

Saint Paul Legislative Code §310.01, defines Adverse Action as:

"the revocation or suspension of a license, the imposition of conditions upon a license, the denial of an application for the grant, issuance or renewal of a license, the imposition of a fine, the assessment of the costs of a contested hearing, and any other disciplinary or unfavorable action taken with respect to a license, licensee, or applicant for a license. Adverse action includes any of the foregoing directed at one (1) or more licenses held by a licensee at any location in the city. Adverse action also includes disapproval of licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of the license."

Saint Paul Legislative Code §310.02 (1)(e) 5 states:

1) *Class R Licenses.*

(e) *Levels of approval:*



5. Revocation or suspension. If the director determines that the renewal application for the renewal of a license does not meet all of the requirements of law or that there exist grounds for revocation or suspension of a Class R License the director will follow the hearing procedures as outlined in Saint Paul Legislative Code Section 310.03.

Saint Paul Legislative Code §310.03 (m) 1 (2) & (8) states:

(m) Presumptive penalties for certain violations.

1. **General presumptive penalties matrix** – The general penalty matrix is to be used if there is not a specific penalty matrix for the license type or a category within the specific penalty matrix does not address the violation.

| Type of Violation | 1 st | 2 nd | 3 rd | 4 th |
|---|-----------------|-----------------|---------------------------------------|-----------------|
| (2) Violation of provisions of the legislative code relating to the licensed activity | \$500.00 fine | \$1,000.00 fine | \$2,000.00 fine and 10-day suspension | Revocation |
| (8) Failure to pay license fees | Suspension | Revocation | | |

Saint Paul Legislative Code §379.03(a)&(b) states:

(a) "The annual fees for the issuance of a short-term rental platform license and short-term rental host license shall be established by ordinance as provided in chapter 310.09 of the Legislative Code."

(b) "A short-term rental platform license and short-term rental host license shall expire one (1) year from the date the license is issued and must be renewed annually."

Adverse Action Recommendation:

The Department of Safety and Inspections will recommend a \$500.00 matrix penalty and suspension of your license for violating Saint Paul Legislative Code § 310.02 (1)(e) 5, 310.03 (m) 1(2) & (8), and 379.03(a)&(b). This is due to your failure to renew your license with supporting documents.



Factual basis for \$500.00 matrix penalty and license suspension:

On January 24, 2025, Licensing Manager, Eric Hudak mailed you a letter to inform you that your license had expired and is now delinquent. You were requested to complete the renewal of your license by February 14, 2025, or your delinquent/expired license will be submitted to the City Attorney's office for adverse action. In order to complete the renewal process, you were to submit the renewal fee payment and all supporting documents to the Department of Safety and Inspections. A copy of the renewal invoice was enclosed with this letter, for your reference.

You have four (4) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **March 7, 2025**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Consent agenda for imposition of the \$500 matrix penalty and suspension of your License.
2. You can complete the renewal process by providing all supporting documents for renewal as well as the renewal fee. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **March 7, 2025**, please contact the Department immediately.
3. If you wish to admit the facts but you contest the \$500 matrix penalty and suspension of your License, you may have a hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a Council hearing no later than **March 7, 2025**, the matter will then be scheduled before the City Council to determine whether to impose the \$500 matrix penalty and License suspension. You will have an opportunity to appear before the Council and make a statement on your own behalf.
4. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **March 7, 2025**. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.



Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.03 (k).

If you have not contacted me by March 7, 2025, I will assume that you do not contest the suspension of your License and imposition of the \$500 matrix penalty. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact my Paralegal Riddhi Mistry at riddhi.mistry@ci.stpaul.mn.us , (651) 266-8835.

Sincerely,

Sly Onyia
Assistant City Attorney
License No. 0402320

Cc: Brian Kirov Petkov, 457 Iglehart Ave., Saint Paul, MN 55103
Vaselina M Yankova Petkova, 457 Iglehart Ave., Saint Paul, MN 55103
Jens Werner, Executive Director, Summit University Planning Council, 375 Selby Avenue #9, Saint Paul, MN 55102.

Attachments: Letter from Licensing Manager, Eric Hudak to Brian Kirov Petkov – 01/24/2025
Renewal Invoice – 01/21/2025
Certificate of Compliance Minnesota Workers' Compensation Law
Saint Paul Legislative Code §310.01
Saint Paul Legislative Code §310.02 (1)(e) 5
Saint Paul Legislative Code §310.03 (m) 1 (2) & (8)
Saint Paul Legislative Code §379.03(a)&(b)



SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8571 | Fax: 651-298-5619

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

STPAUL.GOV

*The Saint Paul City Attorney's Office does not discriminate
based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status
in the delivery of services or employment practices.*



SAINT PAUL
SAFETY & INSPECTIONS

DEPARTMENT OF SAFETY & INSPECTIONS (DSI)
RICARDO X. CERVANTES, DIRECTOR

375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
Tel: 651-266-8989 | Fax: 651-266-9124

January 24, 2025

Brian Kirov Petkov
457 Iglehart Ave
St Paul MN 55103

RE: License ID # 20230001726
@ 457 Iglehart Ave

Dear Licensee:

Our records indicate the above referenced license(s) which were issued to you have expired and are now delinquent. Renewal of the license(s) is required if you intend to engage in the licensed activity within the City of St Paul.

You must complete the renewal of your license(s) by Feb 14, 2025 or we may submit your delinquent/expired license(s) to the City Attorney's office for adverse action. To complete the renewal process, submit to this department payment of the renewal fee (including any late fees) and all required supporting documentation as stated on the enclosed invoice.

For your convenience, a copy of the referenced invoice and a self-addressed return envelope is enclosed. If you are no longer working within the City of Saint Paul, please advise our office of the information in writing.

If you have questions regarding this notice or wish to dispute your license is delinquent/expired, please contact our office at 651-266-8989, Monday through Friday, between 8:00 AM and 4:30 PM.

Sincerely,

Eric Hudak
Licensing Manager
Department of Safety and Inspections

Enclosure(s)

Renewal Invoice

CITY OF SAINT PAUL



**SAINT PAUL
MINNESOTA**

Check this box if making any name, mailing address or phone # corrections. Please write the changes on this form. If your business license address is changing, please request a new business license application.

Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
PHONE: (651) 266-8989
FAX: (651) 266-9124
www.stpaul.gov

January 21, 2025

**BRIAN KIROV PETKOV
457 IGLEHART AVE
ST PAUL MN 55103**

Invoice #: 1174753

Invoice Due Date: Upon Receipt

Account Balance: \$67.00

Pay this Amount: \$67.00

| Transaction Description | Transaction Total |
|---|------------------------------------|
| Inv: 1163118 230001726 Short-Term Rental (Owner Occupied) Expires: 09/20/2024 @ 457 IGLEHART AVE | 45.00 |
| Inv: 1165000 Late Fee 7-30 days late (10%) | 5.00 |
| Inv: 1171898 Late Fee 31-60 days late (10%) | 5.00 |
| Inv: 1172753 Late Fee 61-90 days late (10%) | 5.00 |
| Inv: 1173829 Late Fee 91-120 days late (10%) | 5.00 |
| Late Fee 121+ days late (10%) | 2.00 |
| Requirements | Invoice Amount Due: \$67.00 |

Your account is overdue. Please mail payment today!!
The following must be signed and returned with your payment for your license to be renewed:

AFFIDAVIT OF COMPLIANCE

- * I certify or declare under penalty of perjury under the laws of the State of Minnesota, that the following is true and correct. I understand all information provided is subject to verification. I understand that the City of Saint Paul is authorized to suspend or revoke a license renewed in error or on the basis of incorrect, inaccurate or any false statement or misrepresentation, or in violation of any City ordinance or State statute.
- * I will maintain liability insurance of no less than \$300,000 dollars to cover the short-term rental use throughout the duration of the license or I will conduct each short-term rental transaction through a short-term rental platform that provides equal or greater coverage.
- * I will maintain continued and full compliance with all Short-term rental host general provisions set forth in Saint Paul Legislative Code Sec. 379.07 throughout the duration of the license.
- * I agree to provide the Department of Safety and Inspection with accurate information regarding the name and contact information for a Responsible Party. I understand that this Responsible Party must be available if I am outside of the 16 county metro area of Anoka, Carver, Chisago, Dakota, Goodhue, Hennepin, Isanti, Lesuer, Mcleod, Ramsey, Rice, Scott, Sherburne, Sibley, Washington or Wright.
- * If I am a renter – I hereby certify that I have the consent of the property owner to utilize this property as a Short-term rental.
- * If I rent a non-owner occupied dwelling unit – I will ensure the property has a valid Certificate of Occupancy.

License Holder Name (printed)

Signature

Date

Your Taxpayer Identification is on file. Thank you.

Please give us your email address: _____

Please return this invoice with your payment!

Remit Payment to:

City of Saint Paul Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806

Make Checks Payable to: The City of Saint Paul

Cardholder Signature (required for all charges): _____

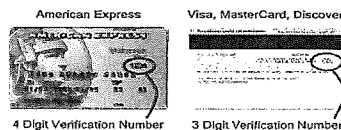
****Beginning April 1, 2021, a 2.49% convenience fee will be charged for credit card transactions and will appear as a separate transaction on your card statement. This fee is charged by the service provider the Department of Safety and Inspections uses to handle credit card transactions. The City will not receive any of the convenience fees. **Checks and cash payments will still be accepted at 375 Jackson St., #220.******

IF PAYING BY CREDIT CARD PLEASE COMPLETE THE FOLLOWING INFORMATION:

INVOICE #: 1174753 **CUSTOMER:** BRIAN KIROV PETKOV

American Express Discover

MasterCard Visa



Security Code:

Expiration Date: **Account Number:** **Amount: \$** _____

/

Certificate of Compliance

Minnesota Workers' Compensation Law

PRINT IN INK or TYPE.

Minnesota Statutes, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in any activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minnesota Statutes, Chapter 176. The required workers' compensation insurance information is the name of the insurance company, the policy number, and the dates of coverage, or the permit to self-insure. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

| | | | |
|--|--------------------------------------|-------|----------|
| BUSINESS NAME (Individual name only if no company name used) | LICENSE OR PERMIT NO (if applicable) | | |
| DBA (doing business as name) (if applicable) | | | |
| BUSINESS ADDRESS (PO Box must include street address) | CITY | STATE | ZIP CODE |

YOUR LICENSE OR CERTIFICATE WILL NOT BE ISSUED WITHOUT THE FOLLOWING INFORMATION. You must complete number 1, 2 or 3 below.

NUMBER 1 COMPLETE THIS PORTION IF YOU ARE INSURED:

| | | |
|--|----------------|-----------------|
| INSURANCE COMPANY NAME (not the insurance agent) | | |
| WORKERS' COMPENSATION INSURANCE POLICY NO. | EFFECTIVE DATE | EXPIRATION DATE |

NUMBER 2 COMPLETE THIS PORTION IF SELF-INSURED:

I have attached a copy of the permit to self-insure.

NUMBER 3 COMPLETE THIS PORTION IF EXEMPT:

I am not required to have workers' compensation insurance coverage because:

I have no employees.

I have employees but they are not covered by the workers' compensation law. (See Minn. Stat. § 176.041 for a list of excluded employees.) Explain why your employees are not covered:

Other: _____

ALL APPLICANTS COMPLETE THIS PORTION:

I certify that the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify that I am authorized to sign on behalf of the business.

| | | |
|---------------------------------|-------|------|
| APPLICANT SIGNATURE (mandatory) | TITLE | DATE |
|---------------------------------|-------|------|

NOTE: If your Workers' Compensation policy is cancelled within the license or permit period, you must notify the agency who issued the license or permit by resubmitting this form.
 This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.

Ordinance Violations

Sec. 379.03 - License fee and license term.

(a) The annual fees for the issuance of a short-term rental platform license and short-term rental host license shall be established by ordinance as provided in chapter [310.09](#) of the Legislative Code.

(b) A short-term rental platform license and short-term rental host license shall expire one (1) year from the date the license is issued and must be renewed annually.

Sec. 310.01. Definitions.

Adverse action means the revocation or suspension of a license, the imposition of conditions upon a license, the denial of an application for the grant, issuance or renewal of a license, the imposition of a fine, the assessment of the costs of a contested hearing, and any other disciplinary or unfavorable action taken with respect to a license, licensee, or applicant for a license. Adverse action includes any of the foregoing directed at one (1) or more licenses held by a licensee at any location in the city. Adverse action also includes disapproval of licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of the license.

Sec. 310.02. Uniform procedures for application for the grant or issuance of the license, new application investigation and review, application denial, notice, levels of approval, objections and renewal procedures by license type.

1) *Class R Licenses.*

(e) *Levels of approval:*

5. Revocation or suspension. If the director determines that the renewal application for the renewal of a license does not meet all of the requirements of law or that there exist grounds for revocation or suspension of a Class R License the director will follow the hearing procedures as outlined in Saint Paul Legislative Code Section 310.03.

Sec. 310.03. Hearing procedures.

(m) *Presumptive penalties for certain violations.*

1. **General presumptive penalties matrix**—The general penalty matrix is to be used if there is not a specific penalty matrix for the license type or a category within the specific penalty matrix does not address the violation.

| Type of Violation | Appearance | | | |
|---|---------------|-----------------|---------------------------------------|------------|
| | 1st | 2nd | 3rd | 4th |
| (2) Violation of provisions of the legislative code relating to the licensed activity | \$500.00 fine | \$1,000.00 fine | \$2,000.00 fine and 10-day suspension | Revocation |
| (8) Failure to pay license fees | Suspension | Revocation | | |

Sec. 310.01. - Definitions.

For the purposes of this chapter, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for Class R for routinely issued licenses, Class T for temporary licenses and Class N for licenses in which neighbors are required to be notified, under authority of the City of Saint Paul, the terms defined in this section have the following meanings:

Adverse action means the revocation or suspension of a license, the imposition of conditions upon a license, the denial of an application for the grant, issuance or renewal of a license, the imposition of a fine, the assessment of the costs of a contested hearing, and any other disciplinary or unfavorable action taken with respect to a license, licensee, or applicant for a license. Adverse action includes any of the foregoing directed at one (1) or more licenses held by a licensee at any location in the city. Adverse action also includes disapproval of licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of the license.

Bond means a bond meeting the requirements of section 310.05 and indemnifying the city against all claims, judgments or suits caused by, resulting from or in connection with any licensed business, activity, premises, thing, facility, occurrence or otherwise under these chapters.

Building official means the official in the department of safety and inspections charged with the responsibility of enforcement of the building code.

Chapters and these chapters mean this uniform license ordinance, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for class R, class T, and class N licenses under authority of the city.

Class R licenses means those licenses and certain permits which can be issued by the director without council approval if no conditions are imposed upon the license and which do not require a hearing if there is an objection. Class R Licenses follow the Procedures for Application for the Grant or Issuance of a License, New Application Investigation and Review, Application Denial, Notice, Levels of Approval, Objections, and Renewal Procedures laid out in Section 310.02(1). The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

| Business Licenses | Fee | Class | Ordinance/ Legislative Code |
|-------------------|-----|-------|-----------------------------------|
| CLASS R | | | |

| | | | |
|---|----------|---|------------|
| Agricultural Vehicle Permit | \$23.00 | R | <u>165</u> |
| Amusement Rides—Annual | \$85.00 | R | <u>317</u> |
| Animal Boarding (Commercial) | \$83.00 | R | <u>348</u> |
| Animal Boarding (Home Occupation) | \$83.00 | R | <u>348</u> |
| Animal Day Care (Commercial) | \$83.00 | R | <u>348</u> |
| Animal Day Care (Home Occupation) | \$83.00 | R | <u>348</u> |
| Animal Foods Manufacturing and Distribution | \$85.00 | R | <u>316</u> |
| Bituminous Contractor | \$210.00 | R | <u>320</u> |
| Bowling Centers | \$210.00 | R | <u>426</u> |
| Building Contractors | \$210.00 | R | <u>326</u> |
| Building Trade Business License | \$188.00 | R | <u>369</u> |
| Building Trades Certificate of Competency | \$24.00 | R | <u>370</u> |
| Bulk Oil Storage | \$210.00 | R | <u>342</u> |
| Christmas Tree Sales | \$85.00 | R | <u>323</u> |
| Commercial Vehicle | \$78.00 | R | <u>158</u> |
| Commercial Vehicle—Exempt | \$0.00 | R | <u>158</u> |
| Courtesy Bench | \$26.00 | R | <u>127</u> |
| Courtesy Benches Transfer | \$17.00 | R | <u>127</u> |
| Finishing Shop | \$85.00 | R | <u>371</u> |

| | | | |
|--|----------|---|------------|
| Game Room | \$210.00 | R | <u>406</u> |
| House Sewer Contractor | \$210.00 | R | <u>338</u> |
| Laundry/Dry-cleaning Plant | \$210.00 | R | <u>327</u> |
| Laundry/Dry-cleaning Pick Up Station | \$85.00 | R | <u>327</u> |
| Lawn Fertilizer and Pesticide Applicator | \$85.00 | R | <u>377</u> |
| Liquid Fuel Dealer | \$210.00 | R | <u>332</u> |
| Liquid Fuel Dealer Vehicle | \$85.00 | R | <u>332</u> |
| Liquor Catering (State Cater/City Liq) | \$192.00 | R | <u>409</u> |
| Mechanical Amusement Device | \$21.00 | R | <u>318</u> |
| Massage Center—A (1 Practitioner) | \$100.00 | R | <u>414</u> |
| Massage Center—A (Commercial) | \$262.00 | R | <u>412</u> |
| Massage Center—B (Home Location) | \$106.00 | R | <u>412</u> |
| Massage Practitioner | \$106.00 | R | <u>414</u> |
| Massage Practitioner-Additional Location | \$31.00 | R | <u>412</u> |
| Mercantile Broker | \$85.00 | R | <u>340</u> |
| Mobile Retail Vehicle | \$85.00 | R | <u>346</u> |
| Pedal Car | \$118.00 | R | <u>374</u> |
| Pedal Car Business | \$352.00 | R | <u>374</u> |
| Pedal Car Driver | \$51.00 | R | <u>374</u> |

| | | | |
|---|----------|---|------------|
| Peddler | \$85.00 | R | <u>345</u> |
| Peddler—Fee Waived | \$0.00 | R | <u>345</u> |
| Pedicab Driver | \$51.00 | R | <u>374</u> |
| Pedicab Vehicle | \$113.00 | R | <u>374</u> |
| Pest Control | \$210.00 | R | <u>334</u> |
| Pet Grooming Facility | \$85.00 | R | <u>382</u> |
| Pet Shop | \$210.00 | R | <u>347</u> |
| Pool & Billiard Hall | \$210.00 | R | <u>322</u> |
| Recycling Collection Center | \$210.00 | R | 408 |
| Recycling Processing Center | \$958.00 | R | 408 |
| Rental of Hospital Equipment | \$85.00 | R | <u>350</u> |
| Rental of Hospital Equip-Vehicle | \$85.00 | R | <u>350</u> |
| Rental of Kitchenware | \$85.00 | R | <u>351</u> |
| Roller Rink | \$85.00 | R | <u>353</u> |
| Sanitary Disposal Vehicle | \$405.00 | R | <u>354</u> |
| Second-Hand Dealer | \$85.00 | R | <u>355</u> |
| Second-Hand Dealer (Comp/Elec) | \$85.00 | R | <u>355</u> |
| Second-Hand Dealer (Antiques/Comp/Elec) | \$85.00 | R | <u>356</u> |
| Second-Hand Dealer (Antiques) | \$85.00 | R | <u>355</u> |

| | | | |
|--|-------------|---|------------|
| Second Hand Dealer—Motor Vehicle Parts | \$507.00 | R | <u>355</u> |
| Second-Hand Dealer—Multiple Dealers | \$405.00 | R | <u>355</u> |
| Short-Term Rental (Non-Owner Occupied) | \$45.00 | R | <u>379</u> |
| Short-Term Rental (Owner Occupied) | \$45.00 | R | <u>379</u> |
| Short-Term Rental Platform | \$11,181.00 | R | <u>379</u> |
| Sidewalk Cafe | \$40.00 | R | 106 |
| Sidewalk Contractor | \$210.00 | R | <u>356</u> |
| Solicitor | \$85.00 | R | <u>345</u> |
| Solid Fuel Dealer | \$210.00 | R | <u>333</u> |
| Solid Fuel Dealer Vehicle | \$85.00 | R | <u>333</u> |
| Solid Waste Hauler & Vehicle | \$405.00 | R | <u>357</u> |
| Solid Waste Hauler (Ea Add'l Veh) | \$85.00 | R | <u>357</u> |
| Solid Waste Transfer Station | \$1,913.00 | R | <u>357</u> |
| Sound Trucks & Broadcast Vehicle | \$85.00 | R | <u>359</u> |
| Swimming Pool—Public | \$405.00 | R | <u>360</u> |
| Tanning Facility | \$106.00 | R | <u>380</u> |
| Taxicab Driver | \$51.00 | R | <u>376</u> |
| Taxicab Vehicle | \$469.00 | R | <u>376</u> |
| Taxicab Vehicle (Reciprocity Event) | \$37.00 | R | <u>376</u> |

| | | | |
|----------------------------------|----------|----|------------|
| Taxicab Service Company | \$456.00 | R | <u>376</u> |
| Theaters and Movie Theaters | \$210.00 | R | <u>416</u> |
| Tire Recapping Plant | \$85.00 | R | <u>372</u> |
| Tobacco Products Shop | \$535.00 | R | <u>324</u> |
| Tobacco Shop | \$535.00 | R | <u>324</u> |
| Tow Truck/Wrecker (Operator) | \$405.00 | R | <u>361</u> |
| Tow Truck/Wrecker (Vehicle) | \$85.00 | R | <u>361</u> |
| Trade Worker Registration—Tier 1 | \$37.00 | R? | <u>370</u> |
| Trade Worker Registration—Tier 2 | \$70.00 | R | <u>370</u> |
| Trade Worker Registration—Tier 3 | \$59.00 | R | <u>370</u> |
| Trailer Rental | \$210.00 | R | <u>352</u> |
| Tree Trimmer & 1 Vehicle | \$210.00 | R | <u>362</u> |
| Tree Trimmer—Each Add'l Vehicle | \$85.00 | R | <u>362</u> |
| Vehicle Immobilization Service | \$405.00 | R | <u>383</u> |
| Veterinary Hospital | \$210.00 | R | <u>364</u> |
| Window Cleaning | \$210.00 | R | <u>365</u> |
| Wrecking of Buildings | \$65.00 | R | <u>368</u> |

Class T licenses means those licenses which can be approved or denied by the director, if no conditions are imposed upon the license and which do not require a hearing if there is an objection. Class T Licenses follow the Procedures for Application for the Grant or Issuance of the License, New Application Investigation

and Review, Application Denial, Notice, Levels of Approval, Objections, and Renewal Procedures laid out in [Section 310.02\(3\)](#). The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

| Business Licenses | Fee | Class | Ordinance/ Legislative Code |
|--------------------------------------|------------|--------------|--|
| CLASS T | | | |
| Amusement Rides—Temporary | \$32.00 | T | <u>317</u> |
| Bingo/Rfls/P-Tabs/Tpbrds/Pdlwhls | \$59.00 | T | 402 |
| Close Out Sale | \$85.00 | T | <u>325</u> |
| Entertainment—Temporary | \$35.00 | T | <u>411</u> |
| Liquor Catering (State Cater Only) | \$59.00 | T | <u>409</u> |
| Liquor—Extension of Service Area | \$68.00 | T | 410 |
| Liquor—Under Age Access (Temporary) | \$35.00 | T | <u>409</u> |
| Liquor On Sale—Temporary | \$59.00 | T | <u>409</u> |
| Malt On Sale (3.2)—Temporary | \$59.00 | T | 410 |
| Massage Practitioner—Temporary | \$50.00 | T | <u>412</u> |
| Second Hand Dealer—Exhibition | \$210.00 | T | <u>355</u> |
| Tag Days | \$26.00 | T | <u>391</u> |
| Temp On Sale Malt Brewery/Distillery | \$59.00 | T | 410 |
| Transient Merchant | \$85.00 | T | <u>345</u> |

| | | | |
|----------------------------------|---------|---|------------|
| Wine On Sale-Temporary | \$59.00 | T | <u>409</u> |
| Winery Annual Festival—Temporary | \$59.00 | T | <u>409</u> |

Class N licenses means those licenses which must be approved or denied by the council. Class N Licenses follow the Procedures for Application for the Grant or Issuance of the License, New Application Investigation and Review, Application Denial, Notice, Levels of Approval, Objections, and Renewal Procedures laid out in Section 310.02(2). The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

| Business Licenses | Fee | Class | Ordinance/ Legislative Code |
|--------------------------------|------------|--------------|--|
| CLASS N | | | |
| Auto Body Repair Shop | \$507.00 | N | <u>423</u> |
| Auto Body Repair/Painting Shop | \$507.00 | N | <u>423</u> |
| Auto Repair Garage | \$507.00 | N | <u>423</u> |
| Bingo Hall | \$229.00 | N | 403 |
| Cabaret—Class A | \$210.00 | N | <u>322</u> |
| Cabaret—Class B | \$210.00 | N | <u>426</u> |
| Conversation/Rap Parlor(A) | \$405.00 | N | <u>413</u> |
| Conversation/Rap Parlor (B) | \$405.00 | N | <u>413</u> |
| Culinary On Sale—Wine/Malt | \$255.00 | N | <u>409</u> |
| Dance or Rental Halls | \$497.00 | N | 405 |

| | | | |
|--|------------|---|------------|
| Dance Halls—Exempt | \$0.00 | N | 405 |
| Entertainment—Extension | \$0.00 | N | <u>411</u> |
| Entertainment (A) | \$278.00 | N | <u>411</u> |
| Entertainment (B) | \$672.00 | N | <u>411</u> |
| Entertainment (C) | \$3,191.00 | N | <u>411</u> |
| Firearms | \$405.00 | N | <u>225</u> |
| Gambling Hall | \$445.00 | N | <u>278</u> |
| Gambling Location | \$84.00 | N | <u>225</u> |
| Gas Station | \$154.00 | N | <u>424</u> |
| Health/Sport Club | \$405.00 | N | <u>427</u> |
| Health/Sport Club—Adult | \$405.00 | N | <u>427</u> |
| Health/Sport Club-Exercise Only Facility | \$405.00 | N | <u>427</u> |
| Infectious Waste Processing Facility | \$1,913.00 | N | <u>427</u> |
| Liquor-Extension of Service Hours | \$405.00 | N | <u>409</u> |
| Liquor—Microdistillery Cocktail Room | \$712.00 | N | <u>409</u> |
| Liquor—Off Sale Micro Distillery | \$205.00 | N | <u>409</u> |
| Liquor Off Sale | \$1,500.00 | N | <u>409</u> |
| Liquor On Sale—100 seats or less | \$5,361.00 | N | <u>409</u> |
| Liquor On Sale—101-180 Seats | \$5,937.00 | N | <u>409</u> |

| | | | |
|--|------------|---|------------|
| Liquor On Sale—181-290 Seats | \$6,360.00 | N | <u>409</u> |
| Liquor On Sale—291 or more Seats | \$6,448.00 | N | <u>409</u> |
| Liquor On Sale—2 AM Closing | \$59.00 | N | <u>409</u> |
| Liquor On Sale—Exempt | \$0.00 | N | <u>409</u> |
| Liquor On Sale—Over 100 seats (B) | \$5,022.00 | N | <u>409</u> |
| Liquor On Sale—Over 200 seats (A) | \$5,454.00 | N | <u>409</u> |
| Liquor On Sale—Sunday | \$200.00 | N | <u>409</u> |
| Liquor On Sale—Sunday—Exempt | \$0.00 | N | <u>409</u> |
| Liquor On Sale—Theater | \$1,914.00 | N | <u>409</u> |
| Liquor On Sale—Additional Family Members | \$62.00 | N | <u>409</u> |
| Liquor On Sale (Government Agencies) | \$0.00 | N | <u>409</u> |
| Liquor On Sale (Small Brewery—128 oz) | \$30.00 | N | <u>409</u> |
| Liquor On Sale-Club under 200 Mbrs—A | \$300.00 | N | <u>409</u> |
| Liquor On Sale-Club 201-500 Mbrs—B | \$500.00 | N | <u>409</u> |
| Liquor On Sale-Club 501-1000 Mbrs—C | \$650.00 | N | <u>409</u> |
| Liquor On Sale-Club 1001-2000 Mbrs—D | \$800.00 | N | <u>409</u> |
| Liquor On Sale-Club 2001-4000 Mbrs—E | \$1,000.00 | N | <u>409</u> |
| Liquor On Sale-Club 4001-6000 Mbrs—F | \$2,000.00 | N | <u>409</u> |
| Liquor On Sale-Club over 6000 Mbrs—G | \$3,000.00 | N | <u>409</u> |

| | | | |
|--|----------|---|------------|
| Liquor-Outdoor Service Area (Patio) | \$85.00 | N | <u>409</u> |
| Liquor-Outdoor Service Area (Sidewalk) | \$40.00 | N | <u>409</u> |
| Malt Off Sale (Brewery) | \$205.00 | N | 410 |
| Malt Off Sale (Growler) | \$205.00 | N | 410 |
| Malt Off Sale | \$225.00 | N | 410 |
| Malt On Sale (3.2) | \$712.00 | N | 410 |
| Malt On Sale (3.2)—Fee Waived | \$0.00 | N | 410 |
| Malt On Sale (3.2)—2 AM Closing | \$0.00 | N | 410 |
| Malt On Sale (Brewery Taproom) | \$712.00 | N | 410 |
| Malt On Sale (Strong) | \$712.00 | N | 410 |
| Massage Center—C (Adult) | \$405.00 | N | <u>412</u> |
| Mini Motion Picture Theater-Adult (C) | \$405.00 | N | <u>415</u> |
| Minnesota Currency Exchange | \$405.00 | N | <u>381</u> |
| Motor Vehicle Dealer—New Vehicles | \$405.00 | N | 401 |
| Motor Vehicle Salvage Dealer | \$405.00 | N | <u>422</u> |
| Motorcycle Dealer | \$210.00 | N | 401 |
| Parking Lot | \$405.00 | N | <u>417</u> |
| Parking Lot/Parking Ramp | \$405.00 | N | <u>417</u> |
| Parking Ramp (Government) | \$0.00 | N | <u>417</u> |

| | | | |
|--------------------------------------|-------------|---|------------|
| Parking Ramp | \$405.00 | N | <u>417</u> |
| Parking Ramp/Garage (Private) | \$396.00 | N | <u>417</u> |
| Pawn Shop | \$3,191.00 | N | <u>344</u> |
| Second Hand Dealer—Motor Vehicle | \$507.00 | N | <u>344</u> |
| Steam Room/Bath House (A) | \$405.00 | N | <u>428</u> |
| Steam Room/Bath House (B)—Adult | \$405.00 | N | <u>428</u> |
| Theaters and Movie Theaters-Drive In | \$210.00 | N | <u>416</u> |
| Transportation Network Company | \$41,115.00 | N | <u>373</u> |
| Wine On Sale | \$2,000.00 | N | <u>409</u> |
| Wine On Sale (Government Agencies) | \$0.00 | N | <u>409</u> |

Department means the department of safety and inspections.

Director means the director of the department of safety and inspections and/or the director's designee or designees.

Fee means and includes both the license fee and application fee unless otherwise provided.

License means and includes all licenses and permits provided for or covered by these chapters.

License also includes licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of such licenses, for the purposes of making procedures in chapter 310 of the Legislative Code applicable to the approval or disapproval of such licenses.

Class N License District Council Notification Form means the form, provided by the Department to the license applicant as part of the Class N License application packet, which must be mailed or personally delivered to the district council by the license/applicant prior to the submission of the application for a license.

Person means and includes any person, firm, corporation, partnership, company, organization, agency, club or any group or association thereof. It shall also include any executor, administrator, trustee, receiver or other representative appointed by law.

Zoning administrator means the official in the department of safety and inspections charged with responsibility for enforcement of the zoning code.

(Ord 22-46, § 2, 11-9-22; Ord 23-32, § 2, 9-6-23)

Sec. 310.02. - Uniform procedures for application for the grant or issuance of the license, new application investigation and review, application denial, notice, levels of approval, objections and renewal procedures by license type.

1) *Class R Licenses.*

(a) *Application.*

1. *Form.* All applicants for a Class R License issued pursuant to these chapters must make both original and renewal applications to the director on such forms as are provided by the department. Such applications will not be received by the director until the director deems the application meets the substantially complete criteria. Subsequently, issuance of a license cannot occur until insurance policies, 01s, deposits, sureties, and indemnifications or certificates required by these chapters, together with the certification required in paragraph 2 below, are received and approved.
2. *Taxes.* No applicant will be granted a license or a renewal of a license required by the Saint Paul Legislative Code unless, in addition to any other requirements, rules or ordinances heretofore or hereafter required, the director determines that said applicant has paid all taxes, real or personal, before said taxes become delinquent, on any property, real or personal, situated within the City of Saint Paul and used in connection with the business operated under said license.
3. Notwithstanding the previous paragraph, the council or the director may issue or renew a license if it is found that:
 - (a) The applicant has made an agreement satisfactory to the Ramsey County Attorney to pay delinquent taxes in periodic installments;
 - (b) The applicant has properly commenced a proceeding to contest the amount of tax due or the valuation of their property, and has made all partial payments required by law in connection with such proceeding; or
 - (c) The business property with respect to which taxes are delinquent is not owned by the applicant, but by a lessor, and it would be inequitable to require the lessee to pay such taxes.

If a license is issued or renewed because of the existence of an agreement as described in subsection (a) above, the license may be revoked if the licensee defaults upon such agreement.

4. *Additional information.* the director will prescribe the information required to be submitted by each applicant in their application, in addition to that required by specific sections in these chapters, as may be necessary to carry out and enforce any provision hereunder. The director will require in every case the applicant to submit their name;

business or corporate name; names of partners, officers, directors, shareholders, or trustees involved in the business; age; address; description or blueprint of the premises, if any, and the owner thereof, and locations and addresses of other business locations in Minnesota.

5. *No reapplication within one (1) year after denial or revocation.* Unless an applicant is claiming evidence of rehabilitation as outlined in Minn. Stats. § 364.03, subd. 3, no applicant may apply for any license within one (1) year of the denial or revocation of the same or similar license by the city council, if such denial or revocation was based solely or partially upon misconduct or unfitness of the applicant, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. A license is "similar," within the meaning of this paragraph, if the basis upon which the revocation or denial of the original license was made would have been a relevant basis on which to deny or revoke a license of the type subsequently applied for.
 6. *Reapplication after denial; "interest" of applicant in revoked license.* An application by a person having an interest in, or whose shareholders or officers have an interest in, any premises or enterprise whose license has been revoked or to which a license has been denied will be treated as an application by the person whose license was denied or revoked. The term "interest," as used in this paragraph, includes any pecuniary interest in the ownership, operation, management or profits of an establishment, but does not include: bona fide loans; bona fide rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures or supplies to such establishment; an interest in a corporation owning or operating a hotel but having at least one hundred fifty (150) or more rental units holding a license in conjunction therewith; or ten (10) percent or less interest in any other corporation holding a license.
 7. *Prohibition on reapplication; exception.* The prohibition on reapplication herein provided will not apply in cases where it is otherwise expressly provided by statute or ordinance.
- (b) *New application investigation and review.* the director will determine the sufficiency and accuracy of each new application and obtain such criminal history information as may be used under Minn. Stats., chapter 364, and is otherwise available by law. The director will make reasonable and appropriate investigation of the premises or personal property, vehicles, or facilities, involved in or related to the licensed activity, and will request, where appropriate, the assistance of DSI divisions and other city divisions or departments in making additional investigations for the purpose of determining whether the applicant is or will be in compliance with all applicable ordinances and statutes. The approval of such other divisions or departments is not required for issuance of a license unless otherwise required by specific sections in these chapters. All new applications will be reviewed by the zoning administrator

or their designee for compliance with all requirements of the Saint Paul Zoning Code, and no new license will be granted without full compliance with said requirements. All new applications involving a premise, location, building or structure will be reviewed by the building official or their designee for investigation and recommendation.

(c) *Application denial.*

1. Denial of a Class R License application is adverse action and the procedures for notice and hearing outlined in Saint Paul Legislative Code Section 310.03 must be followed.

(d) *Notice.*

1. Upon verification that an application for a Class R License is substantially complete, the notification requirements outlined in ENS Chapter A-11(11)(c) must be followed and the required ENS notice must be provided within two (2) public business days.

(e) *Levels of approval:*

1. *Approval recommended without conditions.* Where an application for the grant, issuance or renewal of a Class R License meets all the requirements of law, and there exists no grounds for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director must grant, issue, or renew said license in accordance with the application.
2. *Approval recommended with conditions.* If upon review of an application for the grant, issuance, or renewal of a Class R License the director determines that there exist grounds for imposition of conditions, the director must provide the applicant or licensee notice and an opportunity to be heard in accordance with section 310.03.
3. If the prospective licensee does not object to the proposed conditions, the director will request that the matter be placed on the council consent agenda. The director shall notify the prospective licensee.
4. If the prospective licensee objects to the conditions proposed by the director, the director must follow the hearing procedures outlined in Saint Paul Legislative Code Section 310.03 and refer the matter to a hearing examiner.
5. *Revocation or suspension.* If the director determines that the renewal application for the renewal of a license does not meet all of the requirements of law or that there exist grounds for revocation or suspension of a Class R License the director will follow the hearing procedures as outlined in Saint Paul Legislative Code Section 310.03.

(f) *Objections.* An appeal to the city council may be taken by any person aggrieved by the grant, issuance, or renewal of a Class R License provided that:

1. The appeal must be filed with the city clerk within thirty (30) days after the action by the director.

2. The only grounds for appeal will be that there has been an error of law in the grant, issuance, or renewal of the license.
3. The appeal will be in writing and will set forth in particular the alleged errors of law.
4. The council will conduct a public hearing on the appeal within thirty (30) days of the date of filing and will notify the licensee and the appellant at least ten (10) days prior to the hearing date.
5. The procedures set forth in section 310.03, insofar as is practicable, will apply to this hearing. Following the hearing, the council may affirm or remand the matter to the director, may reverse the director's decision, or place conditions upon the license based on the council's determination that the director's decision was based on an error of law.
6. The filing of an appeal will not stay the issuance of the license.

(g) *Renewal procedures.*

1. Class R Licenses may be automatically renewed by the director.
2. No waiver by renewal. The renewal of a Class R License will not be deemed to be a waiver of any past violations or of any grounds for imposition of adverse action against such license.

2) *Class N Licenses.*

(a) *Application.*

1. *Form.* All applicants for a Class N License issued pursuant to these chapters will make both original and renewal applications to the director on such forms as are provided by the department. Such applications will not be received by the director until the director deems the application meets the substantially complete criteria. Subsequently, issuance of a license cannot occur until insurance policies, bonds, deposits, sureties, and indemnifications or certificates required by these chapters, together with the certification required in paragraph 2 below are received and approved.
2. *Taxes.* No applicant will be granted a license or a renewal of a license required by the Saint Paul Legislative Code unless, in addition to any other requirements, rules or ordinances heretofore or hereafter required, the director determines that said applicant has paid all taxes, real or personal, before said taxes become delinquent, on any property, real or personal, situated within the City of Saint Paul and used in connection with the business operated under said license.
3. Notwithstanding the previous paragraph, the council or the director may issue or renew a license if it is found that:
 - (a) The applicant has made an agreement satisfactory to the Ramsey County Attorney to pay delinquent taxes in periodic installments;

- (b) The applicant has properly commenced a proceeding to contest the amount of tax due or the valuation of their property, and has made all partial payments required by law in connection with such proceeding; or
- (c) The business property with respect to which taxes are delinquent is not owned by the applicant, but by a lessor, and it would be inequitable to require the lessee to pay such taxes.

If a license is issued or renewed because of the existence of an agreement as described in subsection (a) above, the license may be revoked if the licensee defaults upon such agreement.

4. *Additional information.* the director will prescribe the information required to be submitted by each applicant in their application, in addition to that required by specific sections in these chapters, as may be necessary to carry out and enforce any provision hereunder. The director will require in every case the applicant to submit their name; business or corporate name; names of partners, officers, directors, shareholders, or trustees involved in the business; age; address; description or blueprint of the premises, if any, and the owner thereof, and locations and addresses of other business locations in Minnesota.
5. *No reapplication within one (1) year after denial or revocation.* Unless an applicant is claiming that they have evidence of rehabilitation as outlined in Minn. Stats. § 364.03, subd. 3, no applicant may apply for any license within one (1) year of the denial or revocation of the same or similar license by the city council, if such denial or revocation was based solely or partially upon misconduct or unfitness of the applicant, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. A license is "similar," within the meaning of this paragraph, if the basis upon which the revocation or denial of the original license was made would have been a relevant basis on which to deny or revoke a license of the type subsequently applied for.
6. *Reapplication after denial; "interest" of applicant in revoked license.* An application by a person having an interest in, or whose shareholders or officers have an interest in, any premises or enterprise whose license has been revoked or to which a license has been denied will be treated as an application by the person whose license was denied or revoked. The term "interest," as used in this paragraph, includes any pecuniary interest in the ownership, operation, management or profits of an establishment, but does not include: bona fide loans; bona fide rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures or supplies to such establishment; an

interest in a corporation owning or operating a hotel but having at least one hundred fifty (150) or more rental units holding a license in conjunction therewith; or ten (10) percent or less interest in any other corporation holding a license.

7. *Prohibition on reapplication; exception.* The prohibition on reapplication herein provided will not apply in cases where it is otherwise expressly provided by statute or ordinance.

(b) *New application investigation and review.* the director will determine the sufficiency and accuracy of each new application and obtain such criminal history information as may be used under Minn. Stats., chapter 364, and is otherwise available by law. The director will make reasonable and appropriate investigation of the premises or personal property, vehicles, or facilities, as may be involved in or related to the licensed activity, and will request, where appropriate, the assistance of DSI divisions and other city divisions or departments in making additional investigations for the purpose of determining whether the applicant is or will be in compliance with all applicable ordinances and statutes. The approval of such other divisions or departments is not required for issuance of a license unless otherwise required by specific sections in these chapters. All new applications will be reviewed by the zoning administrator or their designee for compliance with all requirements of the Saint Paul Zoning Code, and no new license will be granted without full compliance with said requirements. All new applications involving a premise, location, building or structure will be reviewed by the building official or their designee and inspections for investigation and recommendation.

1. *Verification of Class N License District Council Notification Form.* the director must take reasonable efforts to ensure that the district council has notified the department by email that the Class N License District Council Notification Form has been received.

(c) *Application denial.*

1. Denial of a Class N License application is adverse action and the procedures for notice and hearing outlined in Saint Paul Legislative Code Section 310.03 must be followed.

(d) *Notice.*

1. Upon receipt of an application for a Class N License, the notification requirements outlined in ENS Chapter A-11(11)(c) must be followed.

The application must then be reviewed and once the director deems the application fully reviewed as required by these chapters and makes a recommendation, both the notice requirements outlined in ENS Chapter A-11 (14) and the required mailing must be provided. Notices must describe the license application received, staff recommendations (e.g., any conditions) and the process for public comment and objections.

(a) Required mailing. The director must notify by mail all owners and occupants who own property or reside within three hundred fifty (350) feet of the establishment to which the license is to be issued, of any such application, said three hundred fifty (350) feet

being calculated and computed as the distance measured in a straight line from the property line of the building where the prospective license will be located to the property line owned, leased or under the control of the resident and owners of the existence of an application and set the deadline for public comment at least fifteen (15) days after the date of mailing. The director must submit to the council a list of the names and addresses of each person or organization to whom notice was sent, and certification of such list by the director will be conclusive evidence of such notice and such notice will be attached to the resolution before council.

- (b) The failure to give mailed notice to owners or occupants residing within three hundred fifty (350) feet, or to community organizations, or defects in the notice, does not invalidate the council approval provided a bona fide attempt to comply with this section has been made. A bona fide attempt is evidenced by a notice addressed to "owner" and to "occupant" of the listed address. Only one (1) notice need be mailed to each house or each rental unit within a multiple-family dwelling regardless of the number of occupants.
- (c) *Notice requirement not applicable in downtown business district.* The notification requirements of this section shall not be applicable where the license is to be transferred to a place located within the downtown business district. For purposes of this section, downtown business district shall include all that portion of the City of Saint Paul lying within and bounded by the following streets: Beginning at the intersection of Shepard Road with Chestnut Street, Chestnut Street to Interstate Freeway 35E, Interstate Freeway 35E to Tenth Street, Tenth Street to Interstate Freeway 94, Interstate Freeway 94 to Lafayette Bridge, Lafayette Bridge to where the bridge crosses over Warner Road, Warner Road to the Wabasha Bridge, the Wabasha Bridge across the Mississippi River to the water line on the south bank of the river, thence in a westerly direction along the shore line to the point at which it intersects with "Line A," and then in a straight line across the Mississippi River to the intersection of Chestnut Street with Shepard Road. The location and legal description of "Line A" is indicated on the map attached hereto and incorporated and adopted herein by reference.
- (e) *Levels of Approval.*
 1. *Approval with or without conditions.* All Class N Licenses require council approval. If there are no conditions or the prospective licensee does not object to the proposed conditions, the director will request that the matter be placed on the council consent agenda. The director will notify the prospective licensee.
 - 2.

If the prospective licensee objects to the conditions proposed by the director and/or the conditions added by the legislative hearing officer after a hearing, the director must follow the hearing procedures as outlined in Saint Paul Legislative Code Section 310.03 and refer the matter to a hearing examiner.

3. *Revocation or suspension.* If the director determines that the application for renewal does not meet all of the requirements of law or that there exist grounds for revocation or suspension of a Class N License, the director must follow the hearing procedures as outlined in Saint Paul Legislative Code Section 310.03.

(f) *Objections.* If the director is recommending issuance of the Class N License, but the affected neighborhood organization(s) or other interested persons give notice within the fifteen (15) day period for public comment of objection to issuance of the license, the director must refer the matter for a hearing before the legislative hearing officer.

a. The legislative hearing officer will set a hearing date and give notice of the time, place, and date of the hearing to the affected neighborhood organizations(s) and the applicant.

b. At the hearing, the legislative hearing officer will take testimony from all interested persons.

c. If the applicant cannot agree with license conditions suggested by the legislative hearing officer, the legislative hearing officer will make a recommendation to the council as to whether the matter should be referred for a hearing before an independent hearing examiner in accordance with the procedures set forth in section 310.03.

d. After the legislative hearing, the legislative hearing officer must prepare a report and recommendations for council and set the matter on the council consent agenda.

If no objections are received, the legislative hearing officer will notify the director and have the matter placed on the council consent agenda. The director will notify the applicant and the affected neighborhood organizations established for citizen participation purposes of the placement of the application on the council agenda.

(g) *Renewal procedures.*

1. *Renewal procedures.* Class N Licenses may be automatically renewed by the director.

2. *No waiver by renewal.* The renewal of a Class N License will not be deemed to be a waiver of any past violations or of any grounds for imposition of adverse action against such license.

3) *Class T Licenses (Temporary).*

(a) *Application.*

1.

Form. All applicants for a Class T License issued pursuant to these chapters will make original applications to the director on such forms as are provided by the department. Such applications will not be received by the director until the director deems the application meets the substantially complete criteria.

Subsequently, issuance of a license cannot occur until insurance policies, bonds, deposits, sureties, and indemnifications or certificates required by these chapters, together with the certification required in paragraph 2 below are received and approved.

2. *Taxes.* No applicant will be granted a license or a renewal of a license required by the Saint Paul Legislative Code unless, in addition to any other requirements, rules or ordinances hereafter required, the director determines that said applicant has paid all taxes, real or personal, before said taxes become delinquent, on any property, real or personal, situated within the City of Saint Paul and used in connection with the business operated under said license.
3. Notwithstanding the previous paragraph, the council or the director may issue a license if it is found that:
 - a. The applicant has made an agreement satisfactory to the Ramsey County Attorney to pay delinquent taxes in periodic installments;
 - b. The applicant has properly commenced a proceeding to contest the amount of tax due or the valuation of their property, and has made all partial payments required by law in connection with such proceeding; or
 - c. The business property with respect to which taxes are delinquent is not owned by the applicant, but by a lessor, and it would be inequitable to require the lessee to pay such taxes.

If a license is issued because of the existence of an agreement as described in subsection (a) above, the license may be revoked if the licensee defaults upon such agreement.

4. *Additional information.* the director will prescribe the information required to be submitted by each applicant in their application, in addition to that required by specific sections in these chapters, as may be necessary to carry out and enforce any provision hereunder. The director will require in every case the applicant to submit their name; business or corporate name; names of partners, officers, directors, shareholders, or trustees involved in the business; age; address; description or blueprint of the premises, if any, and the owner thereof, and locations and addresses of other business locations in Minnesota.
5. *No reapplication within one (1) year after denial or revocation.* Unless an applicant is claiming that they have evidence of rehabilitation as outlined in Minn. Stats. 364.03, subd. 3, no applicant may apply for any license within one (1) year of the denial or revocation of the same or similar license by the city council, if such denial or revocation was based

solely or partially upon misconduct or unfitness of the applicant, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. A license is "similar," within the meaning of this paragraph, if the basis upon which the revocation or denial of the original license was made would have been a relevant basis on which to deny or revoke a license of the type subsequently applied for.

6. *Reapplication after denial; "interest" of applicant in revoked license.* An application by a person having an interest in, or whose shareholders or officers have an interest in, any premises or enterprise whose license has been revoked or to which a license has been denied will be treated as an application by the person whose license was denied or revoked. The term "interest," as used in this paragraph, includes any pecuniary interest in the ownership, operation, management or profits of an establishment, but does not include: bona fide loans; bona fide rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures or supplies to such establishment; an interest in a corporation owning or operating a hotel but having at least one hundred fifty (150) or more rental units holding a license in conjunction therewith; or ten (10) percent or less interest in any other corporation holding a license.

7. *Prohibition on reapplication; exception.* The prohibition on reapplication herein provided will not apply in cases where it is otherwise expressly provided by statute or ordinance.

(b) *New application investigation and review.* the director will determine the sufficiency and accuracy of each new application and obtain any pertinent criminal history information as may be used under Minn. Stats., chapter 364, and is otherwise available by law. The director will make reasonable and appropriate investigation of the premises or personal property, vehicles, or facilities, as may be involved in or related to the licensed activity, and will request, where appropriate, the assistance of DSI divisions and other city divisions or departments in making additional investigations for the purpose of determining whether the applicant is or will be in compliance with all applicable ordinances and statutes. The approval of such other divisions or departments is not required for issuance of a license unless otherwise required by specific sections in these chapters. All new applications will be reviewed by the zoning administrator or their designee for compliance with all requirements of the Saint Paul Zoning Code, and no new license will be granted without full compliance with said requirements. All new applications involving a premise, location, building or structure will be reviewed by the building official or their designee for investigation and recommendation.

(c) *Application denial.*

a. Denial of a Class T License application is adverse action and the procedures for notice and hearing outlined in Saint Paul Legislative Code Section 310.03 must be followed.

- (d) *Notice.* There is no notice requirement for Class T licenses.
- (1) Temporary liquor license applications do not require notification action by the director upon receipt of an application under Chapter A-11. Notification requirements, if any, are handled by the applicant as part of the application process as outlined in the relevant section of the Saint Paul Legislative Code.
- (e) *Levels of approval.*
- (1) *Approval recommended without conditions.* Where an application for the grant or issuance of a Class T License meets all the requirements of law, and there exists no grounds for denial, revocation suspension of, or the imposition of conditions upon such license, the director must grant or issue said license in accordance with the application.
- (2) *Approval recommended with conditions.* If upon review of an application for the grant, or issuance of a Class T License the director determines that there exist grounds for imposition of conditions the director must provide the applicant or licensee notice and an opportunity to be heard in accordance with the hearing procedures outlined in Saint Paul Legislative Code Section 310.03.
- (f) *Objections.* An appeal to the city council may be taken by any person aggrieved by the grant, issuance or renewal of a Class T License provided that:
1. The appeal must be filed with the city clerk within thirty (30) days after the action by the director.
 2. The only grounds for appeal will be that there has been an error of law in the grant, issuance, or renewal of the license.
 3. The appeal will be in writing and will set forth in particular the alleged errors of law.
 4. The council will conduct a hearing on the appeal within thirty (30) days of the date of filing and will notify the licensee and the appellant at least ten (10) days prior to the hearing date.
 5. The procedures set forth in section 310.05, insofar as is practicable, will apply to this hearing. Following the hearing, the council may affirm or remand the matter to the director, may reverse the director's decision or place conditions upon the license based on the council's determination that the director's decision was based on an error of law.
 6. The filing of an appeal will not stay the issuance of the license.
- (g) *Renewal procedures.* Class T Licenses are not automatically renewed. If a licensee wishes to Renew a Class T License, they must file a new application for a new Class T License.

(Ord 22-46, § 5, 11-9-22; Ord 23-32, § 3, 9-6-23)

Sec. 310.03. - Hearing procedures.

- (a) *Adverse action; notice and hearing requirements.* In any case where the council may or intends to consider any adverse action, including the revocation or suspension of a license, the imposition of conditions upon a license, or the denial of an application for the grant, issuance or renewal of a license, or the disapproval of a license issued by the State of Minnesota, the applicant or licensee must be given notice and an opportunity to be heard as provided herein. The council may consider such adverse actions when recommended by the director, by the director of any executive department established pursuant to Chapter 9 of the Charter, by the city attorney or on its own initiative.
- (b) *Notice.* In each such case where adverse action is or will be considered by the council, the applicant or licensee must be notified in writing that adverse action may be taken against the license or application, and that they are entitled to a hearing before action is taken by the council. The notice must be served or mailed a reasonable time before the hearing date, and must state the place, date and time of the hearing. The notice must state the issues involved or grounds upon which the adverse action may be sought or based. The council may request that such written notice be prepared and served or mailed by the director or by the city attorney.
- (c) *Hearing.* Where there is no dispute as to the facts underlying the violation or as to the facts establishing mitigating or aggravating circumstances, the hearing must be held before the council. Otherwise the hearing must be conducted before a hearing examiner appointed by the council or retained by contract with the city for that purpose. The applicant or the licensee must be provided an opportunity to present evidence and argument as well as meet adverse testimony or evidence by reasonable cross-examination and rebuttal evidence. The hearing examiner may in its discretion permit other interested persons the opportunity to present testimony or evidence or otherwise participate in such hearing.
- (c-1) *Procedure; hearing examiner.* The hearing examiner will hear all evidence as may be presented on behalf of the city and the applicant or licensee, and must present to the council written findings of fact and conclusions of law, together with a recommendation for adverse action.

The council will consider the evidence contained in the record, the hearing examiner's recommended findings of fact and conclusions, and may not consider any factual testimony not previously submitted to and considered by the hearing examiner. After receipt of the hearing examiner's findings, conclusions, and recommendations, the council must provide the applicant or licensee an opportunity to present oral or written arguments alleging error on the part of the examiner in the application of the law or interpretation of the facts, and to present argument related to the recommended adverse action. Upon conclusion of that hearing, and after considering the record, the examiner's findings and recommendations,

together with such additional arguments presented at the hearing, the council must determine what, if any, adverse action should be taken, which action must be by resolution. The council may accept, reject or modify the findings, conclusions and recommendations of the hearing examiner.

- (c-2) *Ex-parte contacts.* If a license matter has been scheduled for an adverse hearing, council members shall not discuss the license matter with each other or with any of the parties or interested persons involved in the matter unless such discussion occurs on the record during the hearings of the matter or during the council's final deliberations of the matter. No interested person shall, with knowledge that a license matter has been scheduled for adverse hearing, convey or attempt to convey, orally or in writing, any information, argument or opinion about the matter, or any issue in the matter, to a council member or his or her staff until the council has taken final action on the matter; provided, however, that nothing herein will prevent an inquiry or communications regarding status, scheduling or procedures concerning a license matter. An interested person, for the purpose of this paragraph, means and includes a person who is an officer or employee of the licensee which is the subject of the scheduled adverse hearing, or a person who has a financial interest in such licensee.
- (d) *Licensee or applicant may be represented.* The licensee or applicant may represent himself or choose to be represented by another.
- (e) *Record; evidence.* The hearing examiner shall receive and keep a record of such proceedings, including testimony and exhibits, and shall receive and give weight to evidence, including hearsay evidence, which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.
- (f) *Council action, resolution to contain findings.* Where the council takes adverse action with respect to a license, licensee or applicant for a license, the resolution by which such action is taken must contain its findings and determination, including the imposition of conditions, if any. The council may adopt all or part of the findings, conclusions and recommendations of the hearing examiner, and incorporate the same in its resolution taking the adverse action.
- (g) *Additional procedures where required.* Where the provisions of any statute or ordinance require additional notice or hearing procedures, such provisions must be complied with and supersede inconsistent provisions of these chapters. This includes, without limitation by reason of this specific reference, Minn. Stats., Chapter 364 and Minn. Stats., § 340A.415.
- (h) *Discretion to hear notwithstanding withdrawal or surrender of application or license.* The council may, at its discretion, conduct a hearing or direct that a hearing be held regarding revocation or denial of a license, notwithstanding that the applicant or licensee has attempted or purported to

withdraw or surrender said license or application, if the attempted withdrawal or surrender took place after the applicant or licensee had been notified of the hearing and potential adverse action.

- (i) *Continuances.* Where a hearing for the purpose of considering revocation or suspension of a license or other disciplinary action involving a license has been scheduled before the council, a continuation of the hearing may be granted by the council president or by the council at the request of the licensee, license applicant, an interested person or an attorney representing the foregoing, upon a showing of good cause by the party making the request.
- (j) If the council imposes an adverse action as defined in section 310.01 above, a generic notice of such action must be prepared by the director and posted by the licensee so as to be visible to the public during the effective period of the adverse action. The licensee shall be responsible for taking reasonable steps to make sure the notice remains posted on the front door of the licensed premises, and failure to take such reasonable precautions may be grounds for further adverse action.
- (k) *Imposition of costs.* The council may impose upon any licensee or license applicant some or all of the costs of a contested hearing before an independent hearing examiner. The costs of a contested hearing include, but are not limited to, the cost of the administrative law judge or independent hearing examiner, stenographic and recording costs, copying costs, city staff and attorney time for which adequate records have been kept, rental of rooms and equipment necessary for the hearing, and the cost of expert witnesses. The council may impose all or part of such costs in any given case if (i) the position, claim or defense of the licensee or applicant was frivolous, arbitrary or capricious, made in bad faith, or made for the purpose of delay or harassment; (ii) the nature of the violation was serious, or involved violence or the threat of violence by the licensee or employees thereof, or involved the sale of drugs by the licensee or employees thereof, and/or the circumstances under which the violation occurred were aggravated and serious; (iii) the violation created a serious danger to the public health, safety or welfare; (iv) the violation involved unreasonable risk of harm to vulnerable persons, or to persons for whose safety the licensee or applicant is or was responsible; (v) the applicant or licensee was sufficiently in control of the situation and therefore could have reasonably avoided the violation, such as, but not limited to, the nonpayment of a required fee or the failure to renew required insurance policies; (vi) the violation is covered by the intoxicating liquor; nonintoxicating malt liquor; presumptive penalty matrix in subsection (m) below; or (vii) the violation involved the sale of cigarettes to a minor.
- (l) *Imposition of fines.* The council may impose a fine upon any licensee or license applicant as an adverse license action. A fine may be in such amount as the council deems reasonable and appropriate, having in mind the regulatory and enforcement purposes embodied in the particular licensing ordinance. A fine may be in addition to or in lieu of other adverse action in the sole

discretion of the council. To the extent any other provision of the Legislative Code provides for the imposition of a fine, both provisions must be read together to the extent possible; provided, however, that in the case of any conflict or inconsistency, the other provision must be controlling.

(m) *Presumptive penalties for certain violations.* The purpose of this section is to establish a standard by which the city council determines the amount of fines, the length of license suspensions and the propriety of revocations, the general presumptive penalty matrix applies to all license types, except that in the case of a violation involving a liquor license the penalty matrix for intoxicating liquor; nonintoxicating malt liquor applies and for a violations involving tobacco, the penalty matrix for tobacco applies. These penalties are presumed to be appropriate for every case; however the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the council must provide written reasons that specify why the penalty selected was more appropriate.

1. **General presumptive penalties matrix**—The general penalty matrix is to be used if there is not a specific penalty matrix for the license type or a category within the specific penalty matrix does not address the violation.
2. **Intoxicating liquor; malt liquor; presumptive penalty matrix.**

Presumptive penalties for intoxicating liquor and nonintoxicating malt liquor violations. If a violation is not covered under this penalty matrix, the general presumptive penalty matrix should be used. Penalties for convictions or violations are presumed to be appropriate for every case; however, the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the council must provide written reasons that specify why the penalty selected was more appropriate (unless specified, numbers below indicate consecutive days' suspension):

- (a) For on-sale intoxicating liquor establishments with a seating capacity of one hundred fifty (150) or more, the monetary penalty for any violation (including violations found in chapter 310) must be doubled.
- (b) For off-sale intoxicating liquor establishments with five thousand one (5,001) or more square feet of retail space, the monetary penalty for any violation (including violations found in chapter 310) must be doubled.
- (c) *Other penalties.* Nothing in this section restricts or limits the authority of the council to suspend licenses for up to sixty (60) days, revoke the license, or impose a civil fine not to exceed two thousand dollars (\$2,000.00), to impose conditions or take any other adverse action in accordance with law, provided, that the license holder has been afforded an opportunity for a hearing in the manner provided for in section 310.02 of this Code.

- (d) *Effect of responsible business practices in determining penalty.* In determining the appropriate penalty, the council may, in its discretion, consider evidence submitted to it in the case of uncontested adverse actions or submitted to a hearing examiner in a contested hearing upon which findings of fact have been made that a licensee has followed or is likely to follow in the future responsible business practices in regard to sales to intoxicated persons and sales to minors.
- (1) For the purposes of service to intoxicated persons, evidence of responsible business practices may include, but is not limited to, those policies, procedures and actions that are implemented at time of service and that:
- a) Encourage persons not to become intoxicated if they consume alcoholic beverages on the defendant's premises;
 - b) Promote availability of nonalcoholic beverages and food;
 - c) Promote safe transportation alternatives other than driving while intoxicated;
 - d) Prohibit employees and agents of defendant from consuming alcoholic beverages while acting in their capacity as employees or agents;
 - e) Establish promotions and marketing efforts that publicize responsible business practices to the defendant's customers and community;
 - f) Implement comprehensive training procedures;
 - g) Maintain an adequate, trained number of employees and agents for the type and size of defendant's business;
 - h) Establish a standardized method for hiring qualified employees;
 - i) Reprimand employees who violate employer policies and procedures; and
 - j) Show that the licensee has enrolled in recognized courses providing training to self and one (1) or more employees of the licensed establishment in regard to standards for responsible liquor service.
- 2) For the purposes of service to minors, evidence of responsible business practices may include, but is not limited to, those listed in subsection (1) and the following:
- a) Management policies that are implemented at the time of service and that ensure that proof of identification (as established by state law) is examined for all persons seeking service of alcoholic beverages who may reasonably be suspected to be minors;
 - b) Comprehensive training of employees who are responsible for such examination regarding the detection of false or altered identification; and
 - c)

Enrollment by the licensee in recognized courses providing training to self and one (1) or more employees of the licensed establishment in regard to standards for responsible liquor service.

3. Tobacco presumptive penalties matrix.

Tobacco presumptive penalties. Penalties for convictions or violations are presumed to be appropriate for every case; however, the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the council must provide written reasons that specify why the penalty selected was more appropriate (unless specified, numbers below indicate consecutive days' suspension):

- (a) *Purpose.* The purpose of this section is to establish a standard by which the city council determines the amount of fines, length of license suspensions and the propriety of revocations for licensees. These penalties are presumed to be appropriate for every case; however, the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons which make it appropriate to do so, except, the council may not deviate below statewide minimum penalties for licensees. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate. Where no penalty is listed below, the presumptive penalty under the general presumptive penalty matrix will apply.
- (b) *Presumptive penalties for licensees for violations.* Adverse penalties for licensees for violations or convictions shall be presumed as follows:
- (c) *Computation of time for violations under the tobacco presumptive penalties matrix.* If a violation is not covered under this penalty matrix, the general presumptive penalty matrix should be used. Except as otherwise provided by Minn. Stats. § 461.12, subd. 2, subsequent tobacco violations are subject to the following:
- (1) *Second, third and fourth appearances for violations under the tobacco presumptive penalties matrix.* . A second violation within twenty four (24) months must be treated as a second appearance, a third within twenty four (24) months treated as a third appearance, and a fourth within twenty four (24) months treated as a fourth appearance for the purpose of determining the presumptive penalty.
 - (2) *Any appearance not covered by subsections (1) above must be treated as a first appearance for violations under the tobacco presumptive penalties matrix.* Measurement of the twenty four (24) month period must be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.

- (i) *Fines payable without hearing.*
- A. Notwithstanding the provisions of section 310.03(c), a licensee who would be making a first or second appearance on a violation that calls for a monetary fine before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.
- (ii) *Multiple violations.* At a licensee's first appearance before the city council, the council shall consider and act upon all the violations that have been alleged and/or incorporated in the notices sent to the licensee under the administrative procedures act up to and including the formal notice of hearing. The council in that case shall consider the presumptive penalty for each such violation under the "1st Appearance" column in the Penalty Matrixes above. The occurrence of multiple violations is grounds for departure from such penalties in the council's discretion.
- (iii) *Violations occurring after the date of the notice of hearing.* Violations occurring after the date of the notice of hearing that are brought to the attention of the city attorney prior to the hearing date before an administrative law judge (or before the council in an uncontested facts hearing) may be added to the notice(s) up to twenty (20) days before the hearing, and may in that case be treated as though part of the "1st Appearance" unless grounds for upward deviation from the presumptive penalties outlined in the presumptive penalty matrix outlined in 310.03(m) are included in the amended notice of the violation. In all other cases, violations occurring after the date of the formal notice of hearing must be the subject of a separate proceeding and dealt with as a "2nd Appearance" before the council. The same procedures must apply to a second, third or fourth appearance before the council.
- (iv) *Subsequent appearances.* Upon a second, third or fourth appearance before the council by a particular licensee, the council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance.
- (v) *Computation of time.*

- (1) *Second appearance.* A second violation within twelve (12) months must be treated as a second appearance for the purpose of determining the presumptive penalty.
- (2) *Third appearance.* A third violation within eighteen (18) months must be treated as a third appearance for the purpose of determining the presumptive penalty.
- (3) *Fourth appearance.* A fourth violation within twenty-four (24) months must be treated as a fourth appearance for the purpose of determining the presumptive penalty.
- (4) Any appearance not covered by subsections (1), (2) or (3) above must be treated as a first appearance. Measurement of the twelve-, eighteen-, or twenty-four-month period is as follows: The beginning date shall be the earliest violation's date of appearance before the council or payment of the fine related to the violation, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.
- (5) Notwithstanding subsections (iv)(1), (2), (3) or (4) above, a second appearance before the council regarding a death or great bodily harm in a licensed establishment that is related to a violation of the law or license conditions must be counted as a second appearance, regardless of how much time has passed since the first appearance if the first appearance was also regarding a death or great bodily harm in a licensed establishment. A third appearance for the same must be counted as a third appearance regardless of how much time has passed since the first or second appearance.
- (6) Violations of the general presumptive penalty matrix, the intoxicating liquor, malt liquor presumptive penalty matrix and the tobacco presumptive penalty matrix are meant to be cumulative. For the purpose of a second, third or fourth appearance under this section, "violation" shall must mean either one of those violations listed in paragraph (m)1, 2, or 3.

(Ord 22-46, § 3, 11-9-22)

Sec. 379.03 - License fee and license term.

- (a) The annual fees for the issuance of a short-term rental platform license and short-term rental host license shall be established by ordinance as provided in chapter 310.09 of the Legislative Code.
- (b) A short-term rental platform license and short-term rental host license shall expire one (1) year from the date the license is issued and must be renewed annually.
- (c) Short-term rental platform licenses and short-term rental host licenses are non-transferable.