

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 ninth day of September she served the attached **NOTICE OF VIOLATION AND REQUEST FOR REVOCATION OF LICENSE** and a correct copy thereof in an envelope addressed as follows:

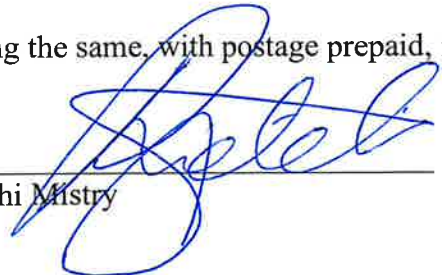
Ruth Sharon Atherly
d/b/a Ruth Sharon Atherly
621 Cleveland Avenue South
St Paul, MN 55116
Attn: Ruth Sharon Atherly

Ruth Sharon Atherly
250 5th St E, Unit # 206
St Paul, MN 55101

621 Cleveland LLC
644 Brookside Ln
Mendota Heights, MN 55118

Kathy Carruth, Executive Director
Highland District Council
Highland Park Community Center
1978 Ford Parkway
Saint Paul, MN 55116

(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 9th day of September 2025



Notary Public





September 9th, 2025

**NOTICE OF VIOLATION AND
REQUEST FOR REVOCATION OF LICENSE**

Ruth Sharon Atherly
d/b/a Ruth Sharon Atherly
621 Cleveland Avenue South
St Paul, MN 55116

Attn: Ruth Sharon Atherly

RE: Massage Practitioner license held by Ruth Sharon Atherly d/b/a Ruth Sharon Atherly for the premises located at 621 Cleveland Avenue South., in Saint Paul.
License ID #: 20240000111

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended adverse action against the Massage Practitioner license held by Ruth Sharon Atherly ("Licensee") herein for the premises known as Ruth Sharon Atherly located at 621 Cleveland Avenue South. (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) describes how a license can be revoked if the Director of the Department finds there is an issue with the renewal of a license:



"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) and § 310.03(m)(1)(8) explain the general penalty matrix, which outlines standard penalties for violations:

(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	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		

Saint Paul Legislative Code § 414.01 explains that a licensee needs a license to work as a massage or bodywork practitioner:

"No person shall engage in providing services as a massage or bodywork practitioner in Saint Paul without a license. Exception: Massage or bodywork services being conducted under the control of an accredited school at a special event in which there are no fees or money being collected from the consumer for the massage services do not require a license."

Saint Paul Legislative Code § 414.02(a) states:

"*License fee.* The fee required for the massage or bodywork practitioner licenses shall be established by ordinance as specified in section 310.18(f) Enforcement Level 6 of the Legislative Code."



Adverse Action Recommendation:

The Department will recommend a revocation of license for violating Saint Paul Legislative Code §§ 414.01, 414.02(a), consistent with the actions provided in Saint Paul Legislative Code §§ 310.01, 310.02(1)(e)(5), 310.03(m)(1)(2), 310.03(m)(1)(8).

Factual Basis for Revocation of License:

On January 30, 2025, the Department's Licensing Manager, Eric Hudak, mailed you a letter to inform you that your license had expired and is now delinquent. You were requested to renew your license by February 20, 2025, and were notified that failing to do so would be considered a voluntary surrender of your license and result in the administrative cancelation of your license, meaning that you would no longer be authorized to conduct your licensed activity in the City of St. Paul.. Your license expired on January 12, 2025. A copy of the renewal invoice was enclosed with this letter dated January 30, 2025, for your reference.

On March 17, 2025, the City Attorney's Office mailed you a Notice of Violation and Request for Imposition of \$500 Matrix Penalty and License Suspension, the presumptive penalty under the St. Paul Legislative Code. You were given four options to proceed:

1. Do nothing and the City Attorney's Office would submit the proposed adverse action to the City Council for imposition of the matrix penalty and suspension of license;
2. Complete the renewal process and provide supporting documents and fees to the Department;
3. Admit to the facts but context the matrix penalty and suspension of license, and request to appear before the City Council for its consideration of the recommended adverse action; or
4. Dispute the facts outlined and request an administrative hearing.

No response was received by the deadline of March 27, 2025.

On April 29, 2025, the City Council passed resolution (RES 25-619), approving the recommended \$500 matrix penalty and license suspension.

On July 15, 2025, the Department mailed a Notice of City Council Action letter to you. You were advised to pay the \$500 matrix penalty by August 15, 2025. The City Attorney's Office and Department have not received a payment of the \$500 matrix penalty to date.



Because you have failed to provide payment of the \$500 matrix penalty, failed to complete the renewal process, and failed to provide all requested documents, the Department is recommending revocation of your license.

You have four (4) options to proceed:

1. You may do nothing. If I have not heard from you by **September 19, 2025**, I will presume that you have chosen not to contest the revocation of your Massage Practitioner license and the matter will be placed on the City Council Consent agenda for imposition of the proposed adverse action and revocation of your Massage Practitioner license.
2. If you wish to admit the facts but you contest the revocation of your Massage Practitioner license, you may have a hearing before the City Council. You will need to send me a letter with a statement admitting to the facts and requesting a City Council hearing no later than **September 19, 2025**. The matter will then be scheduled before the City Council to determine whether to revoke your license. You will have an opportunity to appear before the City Council and make a statement on your own behalf.
3. 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 **September 19, 2025**. At that hearing both you and the City will appear and present witnesses and evidence, and will cross-examine each other's witnesses. After receipt of the ALJ's report and recommendation (usually within 30 days), a City Council hearing will be scheduled. At that time, the City Council will decide whether to adopt, modify, or reject the ALJ's report and recommendation.
4. If you prefer to cancel your license, you can fill out the enclosed Request to Cancel form and return it to the Department no later than **September 19, 2025**. The Department is located at 375 Jackson Street, Suite 220, Saint Paul, MN 55101-1806. If you wish to speak to someone at the Department, you can give them a call at 651-266-8989. The Department will guide you through the process of cancelling your license.

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

If you have not contacted me by September 19, 2025, I will assume that you do not contest the revocation of your Massage Practitioner license. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.



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: 651-266-8548 | Fax: 651-298-5619

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

Sincerely,

/s/

Monica Shaffer
Assistant City Attorney
License No.: 0504708

Cc: Ruth Sharon Atherly, 250 5th St E, Unit #206, St Paul, MN 55101
621 Cleveland LLC, 644 Brookside Ln, Mendota Heights, MN 55118
Kathy Carruth, Executive Director, Highland District Council, Highland Park Community Center, 1978 Ford Parkway, Saint Paul, MN 55116

Attachments: Notice of Violation for a \$500 matrix penalty and license suspension (PACKET) – 03/17/2025
RES 25-619 – 04/29/2025
Notice of City Council Action Letter – 07/15/2025
Request to Cancel Form
Saint Paul Legislative Code § 310.01
Saint Paul Legislative Code § 310.02(1)(e)(5)
Saint Paul Legislative Code § 310.03(m)(1)
Saint Paul Legislative Code § 414.01
Saint Paul Legislative Code § 414.02

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Megan Marcouiller, being first duly sworn, deposes and says that on the 17th day of March she served the attached **NOTICE OF VIOLATION FOR \$500 MATRIX PENALTY AND LICENSE SUSPENSION** and a correct copy thereof in an envelope addressed as follows:

Ruth Sharon Atherly
d/b/a Ruth Sharon Atherly
621 Cleveland Avenue South
St Paul, MN 55116
Attn: Ruth Sharon Atherly

Ruth Sharon Atherly
250 5th St E, Unit # 206
St Paul, MN 55101

621 Cleveland LLC
644 Brookside Ln
Mendota Heights, MN 55118

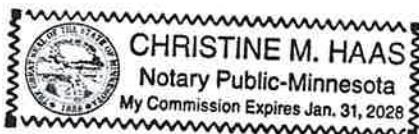
Kathy Carruth, Executive Director
Highland District Council
Highland Park Community Center
1978 Ford Parkway
Saint Paul, MN 55116

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


Megan Marcouiller

Subscribed and sworn to before me
This 17th day of March 2025


Notary Public





March 17, 2025

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

Ruth Sharon Atherly
d/b/a Ruth Sharon Atherly
621 Cleveland Avenue South
St Paul, MN 55116
Attn: Ruth Sharon Atherly

RE: Massage Practitioner license held by Ruth Sharon Atherly d/b/a Ruth Sharon Atherly for the premises located at 621 Cleveland Avenue South., in Saint Paul.
License ID #: 20240000111

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended adverse action against the Massage Practitioner license held by Ruth Sharon Atherly ("Licensee"). Ruth Sharon Atherly located at 621 Cleveland Avenue South. ("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 §414.01 states: “No person shall engage in providing services as a massage or bodywork practitioner in Saint Paul without a license. Exception: Massage or bodywork services conducted under the control of an accredited school at a special event in which there are no fees or money being collected from the consumer for the massage services do not require a license.”

Saint Paul Legislative Code §414.02 (a) states:

- (a) “*License fee*. The fee required for the massage or bodywork practitioner licenses shall be established by ordinance as specified in section 310.18(f) Enforcement Level 6 of the Legislative Code.”



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 §310.01, 310.02 (1)(e) 5, 310.03 (m) 1 (2) & (8), 414.01, and 414.02(a). 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 30, 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 renew your license by February 20, 2025, in failing to do so there would be a voluntary surrender of your license resulting in the administrative cancelation of your license. You would no longer be authorized to conduct your licensed activity in the City of St. Paul, failing to abide by these rules, you could be subject to citations and/or adverse license action. Your license expired on January 12, 2025. 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 27, 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 27, 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 27, 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 27, 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 27, 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: Ruth Sharon Atherly, 250 5th St E, Unit #206, St Paul, MN 55101
621 Cleveland LLC, 644 Brookside Ln, Mendota Heights, MN 55118
Kathy Carruth, Executive Director, Highland District Council, Highland Park Community Center, 1978 Ford Parkway, Saint Paul, MN 55116

Attachments: Renewal Invoice – 01/21/2025
Letter from Licensing Manager, Eric Hudak to Ruth Sharon Atherly– 01/30/2025
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 §414.01
Saint Paul Legislative Code §414.02



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 30, 2025

Ruth Sharon Atherly
250 5th St E Unit 206
St Paul MN 55101

RE: License ID # 20240000111

Massage Practitioner License

Dear Licensee:

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

Failure to renew by Feb 20, 2025 will be processed as a voluntary surrender of your license(s) and will result in the administrative cancelation of your license(s). You will no longer be authorized to conduct this licensed activity in the City of St. Paul and could be subject to citations and/or adverse license action if found conducting such activity within the City of St. Paul.

For your convenience, a copy of the renewal invoice and a return envelope is enclosed.

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

Sincerely,

Eric Hudak
Licensing Manager
Department of Safety and Inspections

Enclosure(s)



**SAINT PAUL
MINNESOTA**

Renewal Invoice

☐ 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.

January 21, 2025

CITY OF SAINT PAUL

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

**RUTH SHARON ATHERLY
CONTACT: RUTH S ATHERLY
250 5TH ST E UNIT 206
ST PAUL MN 55101**

BUSINESS PHONE: 651-698-9123

Invoice #: 1174781

Invoice Due Date: Upon Receipt

Account Balance: \$276.00

Pay this Amount: \$117.00

Transaction Description

Transaction Total

Inv: 1172652 240000111 Massage Practitioner Expires: 01/12/2025
@ 621 CLEVELAND AVE S
Late Fee 7-30 days late (10%)

106.00

11.00

Requirements

Invoice Amount Due:

\$117.00

Your account is overdue. Please mail payment today!!

* Submit insurance certificate showing coverage of \$1,000,000 general liability and \$1,000,000 professional liability; with the City of Saint Paul named as an additional insured and a 30-day notice of cancellation. Insurance certificate forms must be made out in the name that the license is in and show a policy number. The license expiration date will run concurrent with the insurance expiration date.

* Submit proof of affiliation from a City of Saint Paul licensed therapeutic massage center (commercial or home location); or, state licensed health facility (ie. physician's office, chiropractor's office, nursing home,...). All centers must be located within the City of Saint Paul.

* LICENSES ARE NOT TRANSFERABLE from person to person, nor from place to place, nor a transfer of stock in a corporate licensee, nor of shares or interests in a partnership or other legal entity, pursuant to City of Saint Paul Legislative Code 310.11.

* You must notify DSI by applying for a new massage practitioner license if you plan to move and/or relocate affiliation sites.

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

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

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.******

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 #: 1174781 **CUSTOMER:** RUTH SHARON ATHERLY**INVOICE #:** 1174781 **CUSTOMER:** RUTH SHARON ATHERLY**INVOICE #:** 1174781 **CUSTOMER:** RUTH SHARON ATHERLY**INVOICE #:** 1174781 **CUSTOMER:** RUTH SHARON ATHERLY**INVOICE #:** 1174781 **CUSTOMER:** RUTH SHARON ATHERLY**INVOICE #:** 1174781 **CUSTOMER:** RUTH SHARON ATHERLY

Ordinance Violations

Sec. 414.01. License required.

No person shall engage in providing services as a massage or bodywork practitioner in Saint Paul without a license. Exception: Massage or bodywork services being conducted under the control of an accredited school at a special event in which there are no fees or money being collected from the consumer for the massage services do not require a license.

Sec. 414.02. Fee.

- (a) *License fee.* The fee required for the massage or bodywork practitioner licenses shall be established by ordinance as specified in section 310.18(f) Enforcement Level 6 of the Legislative Code.

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

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)

Chapter 414. - Massage and Bodywork Practitioners

Footnotes:

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Editor's note— This chapter is derived from 1956 Code, § 378.06(g), (h), (k), (l), (m); Ord. No. 17027, adopted May 31, 1983; and Ord. No. 17113, adopted Mar. 1, 1984.

Cross reference— *Massage and bodywork centers, Ch 412.*

Sec. 414.01. - License required.

No person shall engage in providing services as a massage or bodywork practitioner in Saint Paul without a license. Exception: Massage or bodywork services being conducted under the control of an accredited school at a special event in which there are no fees or money being collected from the consumer for the massage services do not require a license.

(C.F. No. 93-1645, § 1, 12-30-93; Ord 17-7, § 1, 4-26-17; Ord 20-1, § 1, 2-12-20)

Sec. 414.011. - Definitions.

As used in this chapter, the terms defined in this section shall have the following meanings ascribed to them:

Accredited school means a school accredited by a government agency or an organization recognized for conducting accreditation by a government agency responsible for accrediting schools.

Director means the director of the department of safety and inspections or his/her designee.

Licensed school means a private institution that offers occupational programs below the associate level and has obtained private career school licensure as required by Minnesota Statute.

Massage or bodywork means a course of treatment in which the practitioner applies massage or bodywork techniques, with the intention of positively affecting the health and well-being of the client.

Massage or bodywork therapy means any method of applying pressure on, or friction against, or the rubbing, stroking, kneading, tapping, effleurage or gliding; petrissage or kneading; vibration and jostling; friction; tapotement or percussion; compression; fascial manipulation; passive stretching within the normal anatomical range of motion or rolling of the external parts of the human body with the hands or with the aid of a mechanical or electrical apparatus, appliance or device with or without such supplemental aids as rubbing (isopropyl) alcohol, liniment, antiseptic oil, powder, cream, lotion, ointment or other similar preparation. The practice of massage or bodywork shall not include and is distinct from the practice of medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry, and nurses who work under the direction of such persons are hereby expressly excluded from the requirements of this chapter, provided

the massage or bodywork is administered in the regular course of a prescribed or authorized medical treatment and not provided as part of a separate and distinct massage or bodywork business. Beauticians, barbers and cosmetologists who do not give, or hold themselves out to give, massages or bodywork other than those customarily given in such shops or places of business for the purposes of beautification only, and persons who give massages or bodywork only incidentally to their general occupations and receive no compensation specifically for giving massages or bodywork shall also be excluded from the provisions of this chapter.

Massage or bodywork practitioner means a person who practices massage or bodywork therapy as defined here in and conducts massage or bodywork services from a licensed massage or bodywork center, a licensed home location, or off-site massage or bodywork location pursuant to chapter 412 of the Legislative Code.

Off-site massage or bodywork services means massage or bodywork services conducted away from a licensed massage or bodywork center or home location licensed under chapter 412 of the Legislative Code, but does not include solo massage centers.

Off-site massage or bodywork location means any location where massage or bodywork services are incidental to the activities at the location. In an off-site massage or bodywork location, services do not represent a significant portion of the activity, services are incidental to the activities at the location and are infrequent. Off-site massage or bodywork service locations shall include, but not be limited to, businesses, and private homes, and other off-site locations and shall also include health/sports clubs licensed pursuant to chapter 427 of the Legislative Code and steam room/bath houses licensed pursuant to chapter 428 of the Legislative Code.

Solo massage center or massage center (Class A)—One practitioner shall mean a licensed location where a solo massage or bodywork practitioner offers and provides massage or bodywork services.

(C.F. No. 93-1645, § 2, 12-30-93; Ord 17-7, § 1, 4-26-17; Ord 20-1, § 1, 2-12-20)

Sec. 414.02. - Fee.

- (a) *License fee.* The fee required for the massage or bodywork practitioner licenses shall be established by ordinance as specified in section 310.18(f) Enforcement Level 6 of the Legislative Code.

(C.F. No. 93-1645, § 3, 12-30-93; Ord 17-7, § 1, 4-26-17)

Sec. 414.03. - Licensing requirements.

- (a) *Application.* A massage or bodywork practitioner applicant shall apply to the city for a license to provide services by paying the license fee specified in section 414.02 at the department of safety and inspections and by completing an application form prepared by the director of the

department of safety and inspections. Such application shall include:

- (1) The name, age and address of the applicant;
- (2) The length of experience in this occupation and the past places of employment and position held;
- (3) A description of any crime or other offense, including the time, place, date and disposition, for which the applicant has been arrested and convicted; and
- (4) A statement as to whether the individual has had any license denied, revoked or suspended in the city or the state, the reason therefor and the business activity or occupation of the individual subsequent to such suspension, revocation or denial.

The license application shall thereafter be reviewed by the department of safety and inspections, Saint Paul Police Department, and such other departments as shall be deemed necessary. Such departments will thereafter submit their reports and recommendations to the director of the department of safety and inspections, who will consider all of the reports and recommendations of the other departments, and shall either grant or deny the license.

(b) *Educational requirements.*

- (1) Each applicant for a massage or bodywork practitioner license after May 1, 2017, shall furnish with the application one (1) of the following:
 - a. Proof of a valid Saint Paul massage practitioner license in the past 5 years: or
 - b. Proof of the ability to have been licensed as a massage practitioner in the City of Saint Paul based on successful completion of national certification examination(s) in therapeutic massage and bodywork as previously stipulated in Saint Paul City Ordinance; or
 - c. Successful completion of a postsecondary course of study that included five hundred (500) contact hours at an accredited or licensed school.

(c) *Insurance.* Every application for a license shall be accompanied by proof of general and professional liability insurance executed by an insurance company authorized to do business in the state, in an amount to be determined by the risk manager pursuant to the Saint Paul Legislative Code. The insurance shall be conditioned that the insurer shall defend, indemnify and hold the city and its officers, employees and agents harmless from and against all claims, damages or liability resulting from the grant or renewal of a license under this chapter, or operations or business of such license. All insurance policies hereunder shall provide for at least thirty (30) days' prior notice to the department of safety and inspections before the cancellation thereof is effective, and shall continue to provide coverage as to all matters arising during the term of the insurance policy whether or not later canceled.

(d) A 14-day temporary massage or bodywork license may be obtained provided the applicant:

- (1) Has a current license from another municipality, county or state with license provisions substantially similar to those contained within this chapter, and
- (2) Will be providing massage or bodywork services for a period of less than 15 days in a calendar year, and
- (3) Provides proof of general and professional liability.

(Ord. No. 17641, § 1, 3-28-89; C.F. No. 93-1645, § 4, 12-30-93; C.F. No. 07-149, § 175, 3-28-07; Ord 17-7, § 1, 4-26-17)

Sec. 414.04. - Adverse action; grounds for denial, revocation or suspension.

- (a) It shall be grounds for denial of the application or for revocation or suspension of the license if the applicant or licensee is not complying with or has a history of violations of the laws and ordinances that apply to public health, safety and morals.
- (b) It shall be grounds for the denial, revocation or suspension of the license if the licensee is convicted of any violation, reasonably related to the licensed activity and/or occurring on the licensed premise, of any city ordinance or federal or state statute.
- (c) It shall be grounds for the denial, revocation or suspension of the license if there is fraud or deception involved in the license application.
- (d) It shall be grounds for the denial, revocation or suspension of the license if the licensee is found to be in control or possession of any alcoholic beverages or narcotic drugs and controlled substances on the premises for which they are licensed to operate, possession of which is illegal as defined by Minnesota Statutes or city ordinances.
- (e) It shall be grounds for the denial, suspension or revocation of the license if the licensee has evidenced in the past willful disregard for health codes and regulations.
- (f) It shall be grounds for the denial, suspension or revocation of the license if the applicant fails to provide all the information and certificates required by this chapter.
- (g) It shall be grounds for the denial, suspension or revocation of the license if the licensee shall refuse to permit any authorized police officers or authorized member of the department of safety and inspections to inspect the premises or the operations.
- (h) It shall be grounds for the denial, suspension or revocation of the license if the licensee is found to be violating provisions of this chapter.

(Ord. No. 17641, § 2, 3-28-89; C.F. No. 93-1645, § 5, 12-30-93; C.F. No. 07-149, § 176, 3-28-07; Ord 17-7, § 1, 4-26-17)

Sec. 414.041. - Sanitation; appointment calendar; rules and regulations.

- (a) *Sanitation.* All licensed massage or bodywork practitioners conducting off-site massage or bodywork services shall establish and maintain a supply storage facility containing any and all materials used in conducting off-site massage or bodywork services. The license inspector or his or her authorized representative shall have the right to enter and inspect the storage facility at all reasonable times. Rules as to required sanitation and storage shall be adopted in accordance with section 414.041(c) herein.
- (b) *Appointment calendar.* All licensed massage or bodywork practitioners shall keep a record of all off-site massage or bodywork services performed. The record shall be legible, written in ink and in the English language. It shall include the name of the massage or bodywork practitioner, the name of the person(s) receiving the massage or bodywork service, the address where the massage or bodywork service was performed and the date and time of such service. The record shall be maintained for a period of two (2) years from the date the massage or bodywork service was performed. Such record shall be open for inspection by the license inspector or his or her authorized representative at all reasonable times.
- (c) *Rules and regulations.* The director of the department of safety and inspections may upon notice and hearing promulgate such rules as he or she deems necessary to carry out the provisions and purposes of this chapter, to protect the public health, to provide for safe and sanitary operation of licensed massage or bodywork centers, to provide for the safety of massage or bodywork and related massage or bodywork equipment, and for the proper training of persons employed in the operation of such massage or bodywork centers. Notice of the promulgation of such rules and the hearing date shall be given to all licensees and notice of the hearing date published once in the legal newspaper. The notice shall advise that at the hearing written or oral comments on proposed rules will be received, and how a copy of the proposed rules can be obtained. Such rules shall be effective after such hearing when filed in the office of the city clerk. Violations of such rules shall be sufficient grounds for adverse action against licenses issued under this chapter.

(C.F. No. 93-1645, § 6, 12-30-93; C.F. No. 07-149, § 177, 3-28-07; Ord 17-7, § 1, 4-26-17)

Sec. 414.05. - Term of license; renewal.

The term of license issued by the City of Saint Paul for providing services as a massage or bodywork practitioner, unless revoked, is for a period of not more than twelve (12) months. A renewal application shall be made in the same manner as provided for the original application.

(C.F. No. 93-1645, § 7, 12-30-93; Ord 17-7, § 1, 4-26-17)



City of Saint Paul

Signature Copy

Resolution: RES 25-619

City Hall and Court
House
15 West Kellogg
Boulevard
Phone: 651-266-8560

File Number: RES 25-619

Directing the Department of Safety and Inspections to proceed with the \$500 matrix penalty and license suspension adverse action against Ruth Sharon Atherly d/b/a Ruth Sharon Atherly (License ID #20240000111) for the premises located at 621 Cleveland Avenue South.

WHEREAS, the Massage Practitioner license ("License") held by Ruth Sharon Atherly d/b/a Ruth Sharon Atherly under License ID #20240000111 for the premises located at 621 Cleveland Avenue South., in Saint Paul ("Licensed Premises"), which is owned by Ruth Sharon Atherly was the subject of adverse action pursuant to an March 17, 2025, Notice of Violation and Request for Imposition of \$500 Matrix Penalty and License Suspension ("Notice") (**Exhibit # 1**) in which the Department of Safety and Inspections ("Department") provided notice to the Licensee of its intent to suspend license until Licensee provides required supporting documents, fee payment to renewal license, and respond to delinquent letter of January 30, 2025, and move forward with adverse action supported by Saint Paul Legislative Code §310.03; and

WHEREAS, On January 30, 2025, Licensing Manager, Eric Hudak mailed the Licensee a letter to inform them that their license had expired on January 12, 2025, and is now delinquent. Licensee was requested to renew the license by February 20, 2025; in failing to do so the delinquent/expired license application would be submitted to the City Attorney's Office for adverse action; and

WHEREAS, the Licensee was advised 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 the January 30, 2025, letter; and

WHEREAS, the Notice laid out the basis for adverse action and the Legislative Code upon which the Department was relying as follows:

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 of 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 (**see attached Exhibit # 2**):

Saint Paul Legislative Code §414.01 states: "No person shall engage in providing services as a massage or bodywork practitioner in Saint Paul without a license. Exception: Massage or bodywork services conducted under the control of an accredited school at a special event in which there are no fees or money being collected from the consumer for the massage services do not require a license."

Saint Paul Legislative Code §414.02 (a) states:

- (a) "License fee. The fee required for the massage or bodywork practitioner licenses shall be established by ordinance as specified in section 310.18(f) Enforcement Level 6 of the Legislative Code."

WHEREAS, the Licensee had failed to provide required information, the Department of Safety and Inspections will recommend a \$500 matrix penalty and license suspension of the Massage Practitioner license application based on violation to Saint Paul Legislative Code §310.01, §310.02 (1)(e) 5, §310.03 (m) 1 (2) & (8), §414.01, and §414.02 (a); and

WHEREAS, the Department of Safety and Inspections recommended a \$500 matrix penalty and license suspension; and

WHEREAS, the Notice laid out options for the Licensee:

"You have four (4) options on how 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 27, 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 27, 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 27, 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 27, 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.

WHEREAS, the Notice was sent to the licensee on **March 17, 2025**, providing that you respond by **March 27, 2025**, on whether you contest the proposed adverse action; and

WHEREAS, on April 1, 2025, the City Attorney's Office contacted the Department of Safety and Inspections to confirm whether the requested documents and renewal fee was received and was informed that they have not heard from the Licensee/or received the requested documents; and

WHEREAS, the Notice stated if the Licensee failed to submit the renewal payment and all supporting documents to the Department of Safety and Inspections, that the matter would be placed on the City Council Agenda to impose the recommended penalty; now, therefore, be it

RESOLVED, the Massage Practitioner license held by Ruth Sharon Atherly d/b/a Ruth Sharon Atherly, (License ID #20240000111) for the premises located at 621 Cleveland Avenue South., Saint Paul, MN 55116, is hereby to pay the \$500 penalty fee and provide required documents and renewal fee to the Department of Safety and Inspections in violation of Saint Paul Legislative Codes §310.01, §310.02 (1)(e) 5, §310.03 (m) 1 (2) & (8), §414.01, and §414.02 (a).

At a meeting of the City Council on 4/23/2025, this Resolution was Passed.

Yea: 6 Councilmember Noecker, Councilmember Yang, Councilmember Bowie, Councilmember Jost, Councilmember Johnson, and Councilmember Privratsky

Nay: 0

Absent: 1 Councilmember Kim

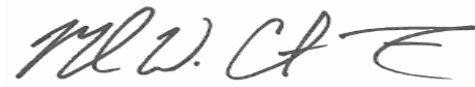
Vote Attested by
Council Secretary



Shari Moore

Date 4/23/2025

Approved by the Mayor



Melvin Carter III

Date 4/29/2025



SAINT PAUL
SAFETY & INSPECTIONS

DEPARTMENT OF SAFETY & INSPECTIONS (DSI)
ANGIE WIESE, PE(MN), CBO, DIRECTOR

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

July 15, 2025

NOTICE OF CITY COUNCIL ACTION

Ruth Sharon Atherly
250 5th St. E. Unit 206
Saint Paul, MN 55101

Ruth Sharon Atherly:

Enclosed is a copy of City Council Resolution RES PH 25-619 which imposes a \$500 fine and which also suspends the Massage Practitioner license issued to you by the City of Saint Paul for the following:

Failure to provide required information.

The fine and suspension were adopted by the Saint Paul City Council at the Council's regular meeting on April 23, 2025. The effect of this notice is that the Massage Practitioner license issued to you at 621 Cleveland Avenue South is suspended until the renewal fees and the required documents are received. The fine in the amount of **\$500** is due no later than on **Friday, August 15, 2025.**

If you have any questions regarding this matter, you may contact me at 651-266-9132.

Sincerely,

Eric Hudak, Licensing Manager
Department of Safety and Inspections

Enclosure

c: Riddhi Mistry, Legal Assistant-CAO
Angie Wiese, Director-DSI
Dan Niziolek, Deputy Director-DSI
Joseph Voyda, License Inspector-DSI



City of Saint Paul

City Hall and Court
House
15 West Kellogg
Boulevard
Phone: 651-266-8560

Signature Copy

Resolution: RES 25-619

File Number: RES 25-619

Directing the Department of Safety and Inspections to proceed with the \$500 matrix penalty and license suspension adverse action against Ruth Sharon Atherly d/b/a Ruth Sharon Atherly (License ID #20240000111) for the premises located at 621 Cleveland Avenue South.

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WHEREAS, On January 30, 2025, Licensing Manager, Eric Hudak mailed the Licensee a letter to inform them that their license had expired on January 12, 2025, and is now delinquent. Licensee was requested to renew the license by February 20, 2025; in failing to do so the delinquent/expired license application would be submitted to the City Attorney's Office for adverse action; and

WHEREAS, the Licensee was advised 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 the January 30, 2025, letter; and

WHEREAS, the Notice laid out the basis for adverse action and the Legislative Code upon which the Department was relying as follows:

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1) *Class R Licenses.*

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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 **(see attached Exhibit # 2)**:

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WHEREAS, the Notice was sent to the licensee on **March 17, 2025**, providing that you respond by **March 27, 2025**, on whether you contest the proposed adverse action; and

WHEREAS, on April 1, 2025, the City Attorney's Office contacted the Department of Safety and Inspections to confirm whether the requested documents and renewal fee was received and was informed that they have not heard from the Licensee/or received the requested documents; and

WHEREAS, the Notice stated if the Licensee failed to submit the renewal payment and all supporting documents to the Department of Safety and Inspections, that the matter would be placed on the City Council Agenda to impose the recommended penalty; now, therefore, be it

RESOLVED, the Massage Practitioner license held by Ruth Sharon Atherly d/b/a Ruth Sharon Atherly, (License ID #20240000111) for the premises located at 621 Cleveland Avenue South., Saint Paul, MN 55116, is hereby to pay the \$500 penalty fee and provide required documents and renewal fee to the Department of Safety and Inspections in violation of Saint Paul Legislative Codes §310.01, §310.02 (1)(e) 5, §310.03 (m) 1 (2) & (8), §414.01, and §414.02 (a).

At a meeting of the City Council on 4/23/2025, this Resolution was Passed.

Yea: 6 Councilmember Noecker, Councilmember Yang, Councilmember Bowie, Councilmember Jost, Councilmember Johnson, and Councilmember Privratsky

Nay: 0

Absent: 1 Councilmember Kim

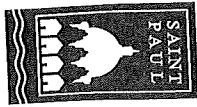
Vote Attested by Shari Moore
Council Secretary Shari Moore

Date 4/23/2025

Approved by the Mayor Melvin Carter III
Melvin Carter III

Date 4/29/2025

375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806



CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS

Ruth Sharon Atherly
250 5th St. E. Unit 206
Saint Paul, MN 55101

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

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)

Chapter 414. - Massage and Bodywork Practitioners

Footnotes:

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Editor's note— This chapter is derived from 1956 Code, § 378.06(g), (h), (k), (l), (m); Ord. No. 17027, adopted May 31, 1983; and Ord. No. 17113, adopted Mar. 1, 1984.

Cross reference— *Massage and bodywork centers, Ch 412.*

Sec. 414.01. - License required.

No person shall engage in providing services as a massage or bodywork practitioner in Saint Paul without a license. Exception: Massage or bodywork services being conducted under the control of an accredited school at a special event in which there are no fees or money being collected from the consumer for the massage services do not require a license.

(C.F. No. 93-1645, § 1, 12-30-93; Ord 17-7, § 1, 4-26-17; Ord 20-1, § 1, 2-12-20)

Sec. 414.011. - Definitions.

As used in this chapter, the terms defined in this section shall have the following meanings ascribed to them:

Accredited school means a school accredited by a government agency or an organization recognized for conducting accreditation by a government agency responsible for accrediting schools.

Director means the director of the department of safety and inspections or his/her designee.

Licensed school means a private institution that offers occupational programs below the associate level and has obtained private career school licensure as required by Minnesota Statute.

Massage or bodywork means a course of treatment in which the practitioner applies massage or bodywork techniques, with the intention of positively affecting the health and well-being of the client.

Massage or bodywork therapy means any method of applying pressure on, or friction against, or the rubbing, stroking, kneading, tapping, effleurage or gliding; petrissage or kneading; vibration and jostling; friction; tapotement or percussion; compression; fascial manipulation; passive stretching within the normal anatomical range of motion or rolling of the external parts of the human body with the hands or with the aid of a mechanical or electrical apparatus, appliance or device with or without such supplemental aids as rubbing (isopropyl) alcohol, liniment, antiseptic oil, powder, cream, lotion, ointment or other similar preparation. The practice of massage or bodywork shall not include and is distinct from the practice of medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry, and nurses who work under the direction of such persons are hereby expressly excluded from the requirements of this chapter, provided

the massage or bodywork is administered in the regular course of a prescribed or authorized medical treatment and not provided as part of a separate and distinct massage or bodywork business. Beauticians, barbers and cosmetologists who do not give, or hold themselves out to give, massages or bodywork other than those customarily given in such shops or places of business for the purposes of beautification only, and persons who give massages or bodywork only incidentally to their general occupations and receive no compensation specifically for giving massages or bodywork shall also be excluded from the provisions of this chapter.

Massage or bodywork practitioner means a person who practices massage or bodywork therapy as defined here in and conducts massage or bodywork services from a licensed massage or bodywork center, a licensed home location, or off-site massage or bodywork location pursuant to chapter 412 of the Legislative Code.

Off-site massage or bodywork services means massage or bodywork services conducted away from a licensed massage or bodywork center or home location licensed under chapter 412 of the Legislative Code, but does not include solo massage centers.

Off-site massage or bodywork location means any location where massage or bodywork services are incidental to the activities at the location. In an off-site massage or bodywork location, services do not represent a significant portion of the activity, services are incidental to the activities at the location and are infrequent. Off-site massage or bodywork service locations shall include, but not be limited to, businesses, and private homes, and other off-site locations and shall also include health/sports clubs licensed pursuant to chapter 427 of the Legislative Code and steam room/bath houses licensed pursuant to chapter 428 of the Legislative Code.

Solo massage center or massage center (Class A)—One practitioner shall mean a licensed location where a solo massage or bodywork practitioner offers and provides massage or bodywork services.

(C.F. No. 93-1645, § 2, 12-30-93; Ord 17-7, § 1, 4-26-17; Ord 20-1, § 1, 2-12-20)

Sec. 414.02. - Fee.

- (a) *License fee.* The fee required for the massage or bodywork practitioner licenses shall be established by ordinance as specified in section 310.18(f) Enforcement Level 6 of the Legislative Code.

(C.F. No. 93-1645, § 3, 12-30-93; Ord 17-7, § 1, 4-26-17)

Sec. 414.03. - Licensing requirements.

- (a) *Application.* A massage or bodywork practitioner applicant shall apply to the city for a license to provide services by paying the license fee specified in section 414.02 at the department of safety and inspections and by completing an application form prepared by the director of the

department of safety and inspections. Such application shall include:

- (1) The name, age and address of the applicant;
- (2) The length of experience in this occupation and the past places of employment and position held;
- (3) A description of any crime or other offense, including the time, place, date and disposition, for which the applicant has been arrested and convicted; and
- (4) A statement as to whether the individual has had any license denied, revoked or suspended in the city or the state, the reason therefor and the business activity or occupation of the individual subsequent to such suspension, revocation or denial.

The license application shall thereafter be reviewed by the department of safety and inspections, Saint Paul Police Department, and such other departments as shall be deemed necessary. Such departments will thereafter submit their reports and recommendations to the director of the department of safety and inspections, who will consider all of the reports and recommendations of the other departments, and shall either grant or deny the license.

(b) *Educational requirements.*

- (1) Each applicant for a massage or bodywork practitioner license after May 1, 2017, shall furnish with the application one (1) of the following:
 - a. Proof of a valid Saint Paul massage practitioner license in the past 5 years: or
 - b. Proof of the ability to have been licensed as a massage practitioner in the City of Saint Paul based on successful completion of national certification examination(s) in therapeutic massage and bodywork as previously stipulated in Saint Paul City Ordinance; or
 - c. Successful completion of a postsecondary course of study that included five hundred (500) contact hours at an accredited or licensed school.

(c) *Insurance.* Every application for a license shall be accompanied by proof of general and professional liability insurance executed by an insurance company authorized to do business in the state, in an amount to be determined by the risk manager pursuant to the Saint Paul Legislative Code. The insurance shall be conditioned that the insurer shall defend, indemnify and hold the city and its officers, employees and agents harmless from and against all claims, damages or liability resulting from the grant or renewal of a license under this chapter, or operations or business of such license. All insurance policies hereunder shall provide for at least thirty (30) days' prior notice to the department of safety and inspections before the cancellation thereof is effective, and shall continue to provide coverage as to all matters arising during the term of the insurance policy whether or not later canceled.

(d) A 14-day temporary massage or bodywork license may be obtained provided the applicant:

- (1) Has a current license from another municipality, county or state with license provisions substantially similar to those contained within this chapter, and
- (2) Will be providing massage or bodywork services for a period of less than 15 days in a calendar year, and
- (3) Provides proof of general and professional liability.

(Ord. No. 17641, § 1, 3-28-89; C.F. No. 93-1645, § 4, 12-30-93; C.F. No. 07-149, § 175, 3-28-07; Ord 17-7, § 1, 4-26-17)

Sec. 414.04. - Adverse action; grounds for denial, revocation or suspension.

- (a) It shall be grounds for denial of the application or for revocation or suspension of the license if the applicant or licensee is not complying with or has a history of violations of the laws and ordinances that apply to public health, safety and morals.
- (b) It shall be grounds for the denial, revocation or suspension of the license if the licensee is convicted of any violation, reasonably related to the licensed activity and/or occurring on the licensed premise, of any city ordinance or federal or state statute.
- (c) It shall be grounds for the denial, revocation or suspension of the license if there is fraud or deception involved in the license application.
- (d) It shall be grounds for the denial, revocation or suspension of the license if the licensee is found to be in control or possession of any alcoholic beverages or narcotic drugs and controlled substances on the premises for which they are licensed to operate, possession of which is illegal as defined by Minnesota Statutes or city ordinances.
- (e) It shall be grounds for the denial, suspension or revocation of the license if the licensee has evidenced in the past willful disregard for health codes and regulations.
- (f) It shall be grounds for the denial, suspension or revocation of the license if the applicant fails to provide all the information and certificates required by this chapter.
- (g) It shall be grounds for the denial, suspension or revocation of the license if the licensee shall refuse to permit any authorized police officers or authorized member of the department of safety and inspections to inspect the premises or the operations.
- (h) It shall be grounds for the denial, suspension or revocation of the license if the licensee is found to be violating provisions of this chapter.

(Ord. No. 17641, § 2, 3-28-89; C.F. No. 93-1645, § 5, 12-30-93; C.F. No. 07-149, § 176, 3-28-07; Ord 17-7, § 1, 4-26-17)

Sec. 414.041. - Sanitation; appointment calendar; rules and regulations.

- (a) *Sanitation.* All licensed massage or bodywork practitioners conducting off-site massage or bodywork services shall establish and maintain a supply storage facility containing any and all materials used in conducting off-site massage or bodywork services. The license inspector or his or her authorized representative shall have the right to enter and inspect the storage facility at all reasonable times. Rules as to required sanitation and storage shall be adopted in accordance with section 414.041(c) herein.
- (b) *Appointment calendar.* All licensed massage or bodywork practitioners shall keep a record of all off-site massage or bodywork services performed. The record shall be legible, written in ink and in the English language. It shall include the name of the massage or bodywork practitioner, the name of the person(s) receiving the massage or bodywork service, the address where the massage or bodywork service was performed and the date and time of such service. The record shall be maintained for a period of two (2) years from the date the massage or bodywork service was performed. Such record shall be open for inspection by the license inspector or his or her authorized representative at all reasonable times.
- (c) *Rules and regulations.* The director of the department of safety and inspections may upon notice and hearing promulgate such rules as he or she deems necessary to carry out the provisions and purposes of this chapter, to protect the public health, to provide for safe and sanitary operation of licensed massage or bodywork centers, to provide for the safety of massage or bodywork and related massage or bodywork equipment, and for the proper training of persons employed in the operation of such massage or bodywork centers. Notice of the promulgation of such rules and the hearing date shall be given to all licensees and notice of the hearing date published once in the legal newspaper. The notice shall advise that at the hearing written or oral comments on proposed rules will be received, and how a copy of the proposed rules can be obtained. Such rules shall be effective after such hearing when filed in the office of the city clerk. Violations of such rules shall be sufficient grounds for adverse action against licenses issued under this chapter.

(C.F. No. 93-1645, § 6, 12-30-93; C.F. No. 07-149, § 177, 3-28-07; Ord 17-7, § 1, 4-26-17)

Sec. 414.05. - Term of license; renewal.

The term of license issued by the City of Saint Paul for providing services as a massage or bodywork practitioner, unless revoked, is for a period of not more than twelve (12) months. A renewal application shall be made in the same manner as provided for the original application.

(C.F. No. 93-1645, § 7, 12-30-93; Ord 17-7, § 1, 4-26-17)