

## Chapter 401. - Motor Vehicle and Parts Dealer

## FOOTNOTE(S):

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**Cross reference**— Junkyards and junk dealers, Ch. 408; scrap and metal processors, Ch. 420; motor vehicle salvage dealer, Ch. 422; automobile repair garage and body shop, Ch. 423.

## Sec. 401.01. - License required; definitions; exceptions.

- (a) No person shall exercise, carry on or be engaged in the trade or business of new motor vehicle dealer, secondhand motor vehicle dealer or secondhand motor vehicle parts dealer in Saint Paul without a license.
- (b) "Motor vehicle" means any self-propelled vehicle not operated exclusively upon railroad tracks and any vehicle propelled or drawn by a self-propelled vehicle and includes vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires but not operated upon rails.
- (c) No license shall hereafter be granted hereunder for commencing the business of secondhand motor vehicle parts dealer upon a street in the city upon which is located a street railway line, bus line or state trunk highway.
- (d) The requirements of this chapter shall not apply to premises upon which vehicles are accumulated and dismantled. Such premises, and the persons engaged in business thereon, shall be licensed as provided in Chapter 408 as motor vehicle salvage dealers.
- (e) Whenever any applicant proposes to limit his business to the buying and selling of used motor vehicle parts and to exclude therefrom the use of any adjacent lot or lots for the dismantling of automobiles or for the processing or storage of motor vehicle parts, he shall not be subject to the provisions of section 401.03(e), (f) and (g), section 401.01(c) and (g), or section 401.04.
- (f) Members of the armed forces of the United States engaged in the used motor vehicle parts business and licensed therein prior to their entry into the armed forces shall not be construed as entering and commencing said business, but shall be considered in the same status as licensees continuing in said business.

(Code 1956, §§ 343.01, 343.02, 343.07; C.F. No. 99-522, § 1, 7-7-99)

## Sec. 401.02. - Fees.

The fee required for a license shall be established by ordinance as specified in section 310.09(b) of the Legislative Code.

(Code 1956, § 343.03; Ord. No. 16883, 2-11-82; C.F. No. 99-522, § 1, 7-7-99)

## Sec. 401.03. - Application; requirements.

- (a) *New motor vehicles.* No license shall be issued to deal in new motor vehicles unless the applicant is licensed under Section 168.27, Minnesota Statutes.
- (b) *Bonds.* Before any person shall be licensed as a motor vehicle parts dealer, such applicant shall file with the inspector a bond in the sum of five thousand dollars (\$5,000.00), with a duly licensed

surety company as surety thereon, conditioned that such licensee shall observe the ordinances of said city in relation to the business to which such applicant has applied for a license, and that such licensee will conduct said business in conformity therewith and will account for and deliver to any person legally entitled thereto any motor vehicle or motor vehicle parts which may have come into the possession of such licensee or in lieu thereof such licensee shall pay in money to such person or persons the reasonable value thereof.

- (c) *Police to investigate.* Before any person shall be licensed to conduct business as a secondhand motor vehicle dealer in said city, a copy of the application for such license shall be delivered to the director of the department of police of said city. The director or officers of the department shall investigate the applicant and report the result of such investigation to the inspector, together with the approval or disapproval of such application by said director; provided, however, that no person shall be licensed under the terms hereof who may at any time prior to the issuance of said license have been duly convicted in any court of competent jurisdiction of having received stolen goods or of any infraction of the terms and provisions of this chapter or any of the ordinances of the City of Saint Paul regulating the business for which said applicant has applied for a license; provided, however, that this subdivision shall be subject to the requirements of Laws of Minnesota for 1974, Chapter 298 (Minnesota Statutes, Chapter 364).
- (d) *Site plan.* In addition to other information required by the inspector, the applicant shall submit two (2) copies of a site plan approved by the planning commission or its delegate, pursuant to section 62.108 of the zoning code and other applicable sections. Such site plan, in addition to all other requirements, shall show the location and the ground area of the premises, and the location of all buildings or other structures existing thereon or to be placed thereon; the location of the premises upon which the applicant proposes to carry on the business of secondhand motor vehicle parts dealer, and whether the applicant proposes to use an adjacent lot or lots for the processing or storage of motor vehicle parts; and whether the applicant has ever been engaged in a similar business, and if so, the location thereof and the date when so engaged.
- (e) *Age, character of applicant.* No license to engage in the business of secondhand motor vehicle parts dealer shall be issued to anyone other than a person over eighteen (18) years of age, and of good moral character and repute.
- (f) *Public hearing.* The inspector shall cause a notice of the hearing required by section 310.04(d) to be mailed at least thirty (30) days prior thereto to every known owner or agent of real estate situated within three hundred (300) feet of the proposed location, as set out in the application, addressed in each instance to the owner or agent at his last known place of abode.
- (g) *Driveways.* All licensees entering and commencing said business and licensed shall have two (2) driveways on their premises.

(Code 1956, §§ 343.03, 343.04, 343.06, 343.07; Ord. No. 17133, 5-10-84; C.F. No. 96-1114, § 1, 11-27-96)

Sec. 401.04. - Premises, secondhand parts dealer; fence required.

Every person entering into and commencing business as a secondhand motor vehicle parts dealer at a location not heretofore used for such business shall be required to enclose any lot, plot or parcel of land used in said business, and which is exposed to a street, alley or other public place, by a tight fence at least five (5) feet high, erected in such a manner as to obstruct the premises from public view;

such fence to be maintained at all times in good condition and painted, and to meet all requirements of the building code. No dismantling yard shall commence business in a commercial district.

(Code 1956, § 343.07)

Sec. 401.05. - Hours; Sunday sales; dealing with minors.

- (a) No person licensed under the terms hereof shall keep his office or place of business open for the transaction of business of any kind or character, except as herein otherwise provided, on Sunday; nor shall any license hereunder permit any salesman or any other person acting on behalf of such licensee to show or offer for sale a motor vehicle, new or used, on Sunday. No person licensed under the terms hereof shall purchase or receive any motor vehicle or motor vehicle part of any nature from a minor.
- (b) The office or place of business of any such licensee hereunder may be kept open and operated on Sunday for the purpose of the sale of gasoline and oil by such licensee, to the public, and for the purpose of the parking of motor vehicles by such licensee, for the public, therein, and no such sale of gasoline or oil and no such parking of motor vehicles by said licensee therein on Sunday shall be deemed violative of this section.

(Code 1956, § 343.08)

Sec. 401.06. - Inspection.

Any person licensed under the provisions of this chapter shall, at all times during the term of said license, allow the director of the department of police, inspector or officers of the police force of the City of Saint Paul to enter the premises where said licensee is carrying on such business for the purpose of inspecting such premises and inspecting the motor vehicles or motor vehicle parts or license plates therein for the purpose of locating goods suspected or alleged to have been stolen or otherwise improperly disposed of.

(Code 1956, § 343.05)