



Legislation Text

File #: Ord 21-26, **Version:** 2

Amending Chapter 310.02 of the Legislative Code to allow re-application within a year if a license applicant can provide evidence of rehabilitation as outlined in Minnesota Statute 364.03, subd. 3.

Section 1

Whereas, ordinances of the City of Saint Paul should address the restorative justice in addressing racial disparities in places of licensing and;

Whereas, an applicant who has been denied a license based on a criminal conviction but has subsequently completed rehabilitation should be given a chance to apply for a license without facing a one year penalty wait time and;

Whereas, an applicant who presents evidence of rehabilitation which meets the standards outlined in Minnesota Statute section 364.03, subd. 3, should not be denied or disqualified from applying to obtain licensing in the City of Saint Paul; now therefore

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

Section 2

Saint Paul Legislative Code section 310.02 is hereby amended to read as follows:

Sec. 310.02. - Application.

(a) Form. All applicants for licenses or permits issued pursuant to these chapters shall make both original and renewal applications to the inspector on such forms as are provided by the division. Such applications shall not be received by the inspector until completely filled out, accompanied by all fees, insurance policies, bonds, deposits, sureties, and indemnifications or certificates required by these chapters, together with the certification required in paragraph (b) below.

(b) Taxes. No person shall be granted a license or a renewal of a license required by the Saint Paul Legislative Code unless, prior to and in addition to any other requirements, rules or ordinances heretofore or hereafter required, the Ramsey County Department of Property Taxation certifies that said applicant has paid any and 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. Notwithstanding the previous paragraph, the council, the director or the inspector may issue or renew a license if it is found that:

- (1) The applicant has made an agreement satisfactory to the Ramsey County attorney to pay delinquent taxes in periodic installments;
- (2) The applicant has properly commenced a proceeding to contest the amount of tax due or the valuation of his property, and has made all partial payments required by law in connection with such proceeding; or
- (3) 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 (1) above, the license

may be revoked if the licensee defaults upon such agreement.

(c) Additional information. The inspector shall prescribe the information required to be submitted by each applicant in his 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. ~~He~~ The inspector shall require in every case the applicant to submit his 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.

(d) No reapplication within one (1) year after denial or revocation. Unless an applicant is claiming that they have evidence of rehabilitation as outlined in Minnesota Statute 364.03, subd. 3, ~~No~~ no person 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.

(e) 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 shall 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.

(f) Prohibition on reapplication; exception. The prohibition on reapplication herein provided shall not apply in cases where it is otherwise expressly provided by statute or ordinance.

(g) Waiting period after filing of petition. Any petition required to be filed with the application for any license shall not be considered as officially filed and irrevocable until seven (7) working days after a petition is received in the inspector's office. During the seven-day waiting period, any signator of any petition may withdraw his their name therefrom by written request, and such request shall be appended to the subject petition and made a part thereof. After the seven-day waiting period, signatures may not be withdrawn unless it is shown they were obtained by fraud or duress. Signatures withdrawn or obtained by fraud or duress shall not be counted in determining the sufficiency of the petition. This subdivision shall apply in any case where the applicant for a license must present a statement in writing signed by a specified number or percentage of persons that they have given their consent to the grant of the license.

Section 3

This ordinance shall take effect and be in force thirty (30) days following its passage, approval.