



CITY OF FALCON HEIGHTS

2077 W Larpenteur Ave
Falcon Heights MN 55113
Phone 651-792-7600. Fax 651-792-7610
www.falconheights.org

FOR OFFICE USE
License Number:
Approval Date:
Amount Paid:
Receipt:

Municipal Business License Application

Fee: See Below

☐ \$100 - 10,000 square feet and under

☐ \$200 - 10,001 square feet and over

Application is hereby made for a **Business License** for the period of January 1 to December 31 of the calendar year.

Business Name: _____

Business Address: _____

Business Telephone: _____ Fax: _____

Email address: _____

Owner/Manager: _____

Number of Employees at this location: _____

After hours Telephone: _____ (where owner/manager listed above can be reached in event of an emergency).

If correspondence should be sent to an address different from the one listed above, please note below:

ITEMS REQUIRED FOR LICENSE RENEWAL:

- *State of Minnesota Tax ID Form (enclosed)*
- *State of Minnesota Worker's Compensation Form (enclosed)*
- *Statement of Use of Premises (following page)*

I swear that the above statements are true to the best of my knowledge and belief.

Signature

Date

Statement of Use of Premise

(Describe what your business does)

To review the City Code for Business reference Chapter 14 Sec. 14-1 Business license requirements and regulations. You can find the link here: <https://www.falconheights.org/home/showpublisheddocument/1434/637176139714570000>

**STATE OF MINNESOTA TAX ID FORM
LICENCE APPLICATION INFORMATION**

Under Minnesota law (M.S.270.72), the agency issuing you this license is required to provide the Minnesota Commissioner of Revenue your Minnesota business tax identification.
Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we must advise you that:

- This information may be used to deny the issuance, renewal or transfer of your license if you owe the Minnesota Department of Revenue delinquent taxes, penalties, or interest;
- The licensing agency will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange in Information Act, the Department of Revenue is allowed to supply this information to the Internal Revenue Service;
- Failing to supply this information may jeopardize or delay the issuance of your license or processing your renewal application.

Please fill in the following information and return this form to the licensing agency. Do not return to the Department of Revenue.

Type of license being applied for

Licensing authority (name of city, county, or state agency issuing license)

License renewal date

Personal information:

Applicant's last name

First name & initial

Applicant's address

City

State

Zip code

Business information:

Business name

Business address

City

State

Zip code

Minnesota tax ID number

Federal tax ID number

If a Minnesota tax ID number is not required, please explain:

Signature

Title

Date

Return to the City of Falcon Heights

2077 Larpenteur Avenue West
Falcon Heights, MN 55113

Email: mail@falconheights.org
Website: falconheights.org
Phone: (651) 792-7600
Fax: (651) 792-7610

Certificate of Compliance Minnesota Workers' Compensation Law

This form must be completed by the business license applicant.

Print in ink or type

Minnesota Statutes § 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minn. Stat. chapter 176. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

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

License or certificate number (if applicable)	Business telephone number	Alternate telephone number	
Business name (Provide the legal name of the business entity. If the business is a sole proprietor or partnership, provide the owner's name(s), for example John Doe, or John Doe and Jane Doe.)			
DBA ("doing business as" or "also known as" an assumed name), if applicable			
Business address (must be physical street address, no P.O. boxes)	City	State	ZIP code
County	Email address		

You must complete number 1 or 2 below.

Note: You must resubmit this form to the authority issuing your license if any of the information you have provided changes.

1. ☐ **I have a workers' compensation insurance policy.**

Insurance company name (not the insurance agent)		
Policy number:	Effective date:	Expiration date:

☐ **I am self-insured for workers' compensation.** (Attach a copy of the authorization to self-insure from the Minnesota Department of Commerce; see <https://mn.gov/commerce/industries/insurance/licensing/self-insurance>.)

2. **I am not required to have workers' compensation insurance because:**

- ☐ I only use independent contractors and do not have employees. (See [Minn. Stat. § 176.043](#) for trucking and messenger courier industries; [Minn. Stat. § 181.723, subd. 4](#), for building construction; and [Minnesota Rules chapter 5224](#) for other industries.)
- ☐ I do not use independent contractors and have no employees. (See [Minn. Stat. § 176.011, subd. 9](#), for the definition of an employee.)
- ☐ I use independent contractors and I have employees who are not required to be covered by the workers' compensation law. (Explain below.)
- ☐ I only have employees who are not required to be covered by the workers' compensation law. (Explain below.) (See [Minn. Stat. § 176.041](#) for a list of excluded employees.)

Explain why your employees are not required to be covered

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

Print name:

Applicant signature (required)	Title	Date
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City Code of Falcon Heights, Minnesota

Chapter 14 - Businesses

Sec. 14-1 - Business license requirements and regulations

- (a) *Business licenses.* No person shall operate a business within the city without obtaining and maintaining a business license as provided herein.
- (b) *Licensing procedures and regulations.*
 - (1) *Issuance.* Each owner of a business to be located within the city shall complete an application for a business license on forms provided by the city clerk, containing such information as is requested on the form. Business licenses shall be issued upon receipt of the completed application and appropriate license fee (as established by city council), after review by city staff; provided that the operation of the business at the proposed location complies with this Code and other applicable laws (i.e., Uniform Fire Code and Uniform Building Code, the state fire and building codes), passes an inspection, and approval by the city council.
 - (2) *Renewal.* Business licenses granted hereunder may be renewed upon submission to the city clerk of the appropriate license renewal fee and a completed renewal application, indicating any changes from the previous license application. Licenses will be renewed only if the business has been operated in compliance with all applicable laws, including this Code, during the preceding license term. All renewals must be approved by the city council.
 - (3) *Condition of premises.* Premises used in connection with any licenses business must be kept clean, in good repair, and free and clear of any trash, rubbish or debris.
 - (4) *Ownership changes.* Changes that result in a 25% change in ownership of a business requires a new license. The new owner(s) must submit an application for a new license within thirty calendar days of acquiring the property. Businesses that are listed on a stock exchange are exempt from section 14-1(b)(4).

(Code 1993, §§ 5-1.01, 5-1.02; Ord. No. 19-06, § 1, 9-11-2019)

Sec. 14-2 - Inspection requirements

- (a) *Inspection required.* A satisfactory pass of an inspection is a condition of approval for a business license.
- (b) *Inspection scope.* The city clerk or designated representative is authorized to inspect all buildings where a business is located. The inspection may include the building or structure, the land upon which it is located and accessory uses or structures. All inspections authorized by this chapter shall be limited to those which are done for the purpose of seeking compliance with applicable safety codes, and shall take place only at reasonable hours or as may otherwise be agreed upon by the owner and the city clerk or designated representative. An inspection is required every 24 months.

- (c) *Notice of violations.* The city clerk or designated representative shall give written notice to the owner, or any known interested parties, of any violations of the applicable safety codes which are discovered during any inspection. The violations must be remedied and pass a re-inspection as a condition of license approval.
- (d) *Access and warrant.* The city clerk or designated representative may enter, examine and survey at all reasonable times all businesses and premises after obtaining consent from an occupant of the premises. The city may also, upon receipt of a creditable third party complaint or a complaint by residents with reasonable concerns, require an inspection of a business. In the event that an occupant of the premises does not consent to entry by the city clerk or designate representative, and if there is probable cause to believe that an inspection is warranted, then application may be made to the court for an administrative or other search warrant for the purpose of inspecting the premises.
- (e) *Inspection fees.* The city council shall establish the fee for inspections and re-inspection related to issuing business licenses.

(Ord. No. 19-06, § 2, 9-11-2019)

Sec. 14-3 - Revocation, suspension, and civil fines

- (a) *Violations.* The following actions by property owners or license holders are misdemeanors and are subject to civil penalties, may constitute the basis for revocation of licenses and/or may result in injunctive action by the city. The property owner shall be responsible for the conduct of its agents or employees while engaged in normal business activities on the licensed premises. Any violation of this chapter shall be considered an act of the property owner or license holder for purposes of imposing a civil penalty or license revocation. If a license is revoked it is unlawful for the owner to permit new occupancy of any vacant unit, or any units that become vacant during license injunction.
- (b) *Basis for sanctions.* The city council may revoke, suspend, deny or decline to renew any license issued under this chapter for part or all of a property upon any of the following grounds:
 - (1) *Leasing without a license.* Leasing business units without a license is subject to license suspension or revocation;
 - (2) *Violation of codes.* Violation of the city maintenance code, building code, fire code, or state or federal law;
 - (3) *Hazardous or uninhabitable units.* Leasing units that are deemed hazardous or uninhabitable or units within a building that are deemed hazardous or uninhabitable;
 - (4) *Commission of a felony.* Commission of a felony related to the licensed activity by the property owner or business owner;
 - (5) *Consideration of suspension or revocation.* At any time during a license period, if a property does not meet or exceed the criteria established for the current license, the license may be brought forth to the city council for consideration of license suspension or revocation;

- (6) *Updated application requirement.* Failure to provide an updated application with current information within 30 days of application renewal request from the city;
- (7) *False statements.* False statements on any application or other information or report required by this chapter to be given by the applicant or licensee;
- (8) *Fees.* Failure to pay any application, inspection, penalty, reinspection or reinstatement fee required either by this section or city council resolution. Fee amounts are subjected to change through the city fee schedule;
- (9) *Correction of deficiencies.* Failure to correct dwelling deficiencies in the time specified in a compliance order;
- (10) *Inspection.* Failure to schedule an inspection within 90 days of application filed and/or allow an authorized inspection;
- (11) *Delinquent taxes or fines.* Real estate or personal property taxes or municipal utilities have become delinquent or have unpaid fines.

(c) *Penalties.*

- (1) *Revocation.* Any violation of this chapter may be grounds to revoke a license. Any civil penalty, revocation or combination thereof under this section does not preclude criminal prosecution under this chapter or Minnesota statutes. All fines are cumulative and revocation periods will run consecutively.
- (2) *Violation.* Any person that maintains a business without having a property registered or after the registration for the property has been revoked or suspended or who permits new occupancy in violation is guilty of a misdemeanor and upon conviction is subject to a fine and imprisonment as prescribed by state law.
 - a. *First violation:* City clerk will give notice to the licensee of the violation, request fine payment and direct the licensee to take steps to prevent further violations.
 - b. *Second violation:* If a second violation occurs within 60 days of a first violation the city clerk will give notice to the licensee of the violation, request fine payment and direct the licensee to take steps to prevent further violations.
 - c. *Third or more violation:* If another instance of violations occurs within 60 days of the calendar year the city clerk will give notice to the licensee of the violation, request fine payment and direct the licensee to take steps to prevent further violations. If a fourth or subsequent violation occurs, suspension of the license will be pending until a hearing.
- (3) *Suspension.* The city council may temporarily suspend a license pending a hearing on the suspension or revocation when, in its judgment, the public health, safety, and welfare is endangered by the continuance of the licensed activity.
- (4) *Civil fines.* The city council may impose civil fines in addition to revocation or suspension for violations of any provision of this chapter as follows:

Within One Calendar Year	Fine Per Unit/Common Building
First Violation	\$300.00
Second Violation	600.00
Third or more within a 12-month period	900.00
Operating a business without a license after 30 days' notice shall be subject to \$1,000.00 fine per unit and also be a misdemeanor offense.	

(Ord. No. 19-06, § 3, 9-11-2019)

Sec. 14-4 - Hearing on penalties, revocation, violation, suspension and civil fines

(a) **Hearing.** Following receipt of a notice of denial or nonrenewal or a notice of a violation and penalty issued under section 14-3 of this chapter, an applicant or license holder may request a hearing before the city council. A request for a hearing shall be made by the applicant or license holder in writing and filed with the city clerk within ten days of the mailing of the notice of denial or alleged violation. Following receipt of a written request for hearing, the applicant or license holder shall be afforded an opportunity for a hearing before the city council. A hearing will be conducted before the city council at a public meeting, or the city council may retain an administrative hearing officer or other impartial third party to conduct the public hearing. The licensee shall have the right to be represented by counsel, the right to respond to the charged violations, and the right to present evidence through witnesses. The rules of evidence do not apply to the hearing and the city council may rely on all evidence it determines to be reasonably credible. The determination to suspend or revoke the license shall be made upon a preponderance of the evidence. It is not necessary that criminal charges be brought in order to support a suspension or revocation of a license violation nor does the dismissal or acquittal of such a criminal charge operate as a bar to suspension or revocation.

(b) **Decision basis.** The council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply and shall issue a decision to deny, not renew, suspend or revoke a license only upon written findings.

(c) **Findings.** If after the hearing the applicant or license holder is found ineligible for a license, or in violation of this chapter, the council may affirm the denial, impose a civil penalty, suspend, or revoke a license or impose any combination thereof.

(d) **Default.** If the applicant or license holder has been provided written notice of the denial, nonrenewal, or violation and if no request for a hearing is filed within the ten-day period, then the denial or revocation take immediate effect by default. The city clerk shall mail notice of the denial, fine, suspension, or revocation to the applicant or license holder. The city clerk shall investigate compliance with the denial or revocation.

(e) Penalties for default. Failure to comply with all terms of this section during the term of revocation, suspension or nonrenewal is a misdemeanor and grounds for extension of the term of revocation, suspension or continuation of nonrenewal of the license.

(f) Affected facility. The council may suspend or revoke a license or not renew a license for part or all of a facility.

(g) Suspension. Licenses may be suspended for up to 90 days and may, after the period of suspension, be reinstated subject to compliance with this chapter and any conditions imposed by the city council at the time of suspension including, but not limited to, receivership or city obtaining control to manage the property temporarily.

(h) Written decision, compliance. A written decision to revoke, suspend, deny, or not renew a license or application shall specify the part or parts of the facility to which it applies. Thereafter, and until a license is reissued or reinstated, no units becoming vacant in such part or parts of the facility may be relet or occupied.

(i) Continuing obligations, penalty. Revocation, suspension or nonrenewal of a license shall not excuse the owner/licensee from compliance with all terms of this chapter, this Code, and state or federal laws for as long as any units in the facility are occupied. Failure to comply with all terms of this chapter during the term of revocation, suspension or nonrenewal is a misdemeanor and grounds for extension of the term of such revocation or suspension or continuation of nonrenewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation or nonrenewal specified in the city council's written decision.

(j) New licenses prohibited. A person who has a business license revoked may not receive a business license for another property within the city for a period of one year from the date of revocation. The person may continue to operate other currently licensed properties if the properties are maintained in compliance with city codes and other applicable regulations.

(Ord. No. 19-06, § 4, 9-11-2019)

Sec. 14-5 - Summary action

(a) When the condition of the property of any license holder or their agent, representative, employee or lessee is detrimental to the public health, safety and general welfare as to constitute a nuisance, fire hazard or other unsafe or dangerous condition and thus give rise to an emergency, the city clerk shall have the authority to summarily condemn or close off such area of the property.

(b) Any person aggrieved by a decision of the city clerk to cease business or revoke or suspend the license or permit shall be entitled to appeal to the city council immediately, by filing a notice of appeal. The city clerk shall schedule a date for hearing before the city council and notify the aggrieved person of the date.

(c) The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action.

(d) The decision of the city clerk shall not be voided by the filing of such appeal. Only after the city council has held its hearing will the decision of the compliance official be affected.

(Ord. No. 19-06, § 5, 9-11-2019)

Sec. 14-6 - Applicable laws

Licenses shall be subject to all of the ordinances of the city and the State of Minnesota relating to businesses; and this chapter shall not be construed or interpreted to supersede or limit any other such applicable ordinance or law.

(Ord. No. 19-06, § 6, 9-11-2019)

Sec. 14-7 - Multiple suspensions

If the license of more than one unit in a licensed premises is suspended within 12 months, the period of suspension for the second and subsequent dwelling units licensed that are suspended may be doubled for the suspension period specified in this chapter.

(Ord. No. 19-06, § 7, 9-11-2019)