

## CHAPTER 22. LICENSING; BUSINESSES & SERVICES

### ARTICLE VIII.      Used Car Dealers

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\*State law reference--Motor vehicle dealers, Minn. Stats. § 168.27.  
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#### **Section 22-401.      Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*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, except snowmobiles, manufactured homes, and park trailers.

*Used car dealer* means any person whose principal business is (i) the buying and selling or storage of used motor vehicles, or (ii) providing a place and facilities for the sale of motor vehicles by other persons.

*Used motor vehicle* means a motor vehicle for which title has been transferred from the person who first acquired it from the manufacturer, distributor, or dealer.

#### **Section 22-402.      Records required.**

Every person licensed under this article shall keep and preserve a book in which there shall be made at the time of the transaction, a record in English of every purchase, sale, storage, or exchange of all used motor vehicles, purchased, sold, stored, exchanged, or left in his possession for sale, or storage. Such records shall include the following information: the name, place of residence, including street and number, and a personal description of each person from whom a used motor vehicle is obtained, or to whom such a vehicle is delivered, the date and hour received or delivered, a description of the used motor and manufacturers' numbers and any other serial number and any peculiar mark or marks of identification whatsoever, style of body, seating or other capacity, color, and car and license number.

#### **Section 22-403.      Inspection of books, records, etc.**

The books provided for in Section 22-402 and all used motor vehicles, in the possession of the licensee shall be at all reasonable times open to the inspection of the chief of police, any member of the police force, or any person duly authorized in writing by the chief of police for such purpose. No licensee, clerk, agent, or other person in charge of the premises or business of a licensee, shall refuse to admit thereto any person authorized in this section to examine records, or fail to exhibit to such person on demand all motor vehicles, books, papers, and inventories relating thereto.

#### **Sections 22-404 thru 22-420.      Reserved.**

#### **Section 22-421.      License Required.**

- (a) No person shall carry on the business of a Used Car Dealer in the City of Anoka without first obtaining a license to Sell Used Motor Vehicles from the City of Anoka.

- (b) No person shall carry on business from any other place in the City than the one designated in the license therefore; nor shall such person continue to carry on business after such license has been revoked, cancelled, suspended or has expired.
- (c) No license herein provided shall be granted to or renewed for, any person who has been convicted of any of the following:
  - (1) Conviction within the previous year of the date of application of a violation of this article or applicable zoning regulations;
  - (2) Conviction within the previous five (5) years of the date of application of knowingly receiving stolen goods;
  - (3) Conviction within the previous five (5) years of the date of application of a petty misdemeanor, misdemeanor, or gross misdemeanor, relating to the sale of motor vehicles, the operation of a motor vehicle business or its' motor vehicle business transactions;
  - (4) Conviction within the previous ten (10) years of the date of application of any felony.
- (d) No license herein provided shall be granted to, or renewed for, any person who does not hold a valid and current State of Minnesota Dealership license.
- (e) No license shall be granted to any person doing business in a location contrary to the provisions of the zoning code or amendments thereof, unless a conditional use permit has been granted under Article IV of Chapter 74.
- (f) No person shall be permitted to move a business licensed there under to a location within the City prohibited by the Zoning Code.

**Section 22-422.**

**Application.**

Every person desiring to procure a license, as provided in this article, shall file with the city clerk a written application furnished by the city. Such application shall contain the names and residences of (i) the applicant, if an individual, (ii) the partners, if a partnership, (iii) the shareholders and officers, if a corporation, or (iv) the members of a limited liability company. Such application shall also describe in detail the character of the business in which the applicant desires to engage. It shall also state the following:

- (a) The length of time such applicant(s), has or have resided in the City, applicant's places of previous employment, whether the applicant has been convicted of a felony, gross misdemeanor, misdemeanor or petty misdemeanor, other than petty misdemeanor minor traffic violations, and, if so, what offense, when, and what court.
- (b) The premises where such business is to be located, giving street and number.
- (c) Whether the applicant has previously, either alone or with someone else, been a used car dealer or motor vehicle junk dealer.
- (d) Such other information as may be required by the City Council.

**Section 22-423.**

**Issuance; contents; reapplication after denial.**

Upon the filing of the application as provided for in this Article, the City Council may, upon its approval of such application after such investigation as it shall require and the

payment to the City of the license fee, issue to the applicant a license to engage in the business as a Used Car Dealership. All licenses shall state clearly the location of the place of business from which the person receiving such license shall be authorized to carry on the business as used car dealer, the date of issuance and expiration of the license, and the name and address of the licensee. No applicant to whom a license has been refused shall make further application until a period of at least one (1) year shall have elapsed since the last previous rejection. In the event another individual or entity applies for a license or renewal of a license for a premises of a previously rejected applicant, the City Council may, in its sole discretion, deny the application or renewal unless the new applicant provides verification, to the satisfaction of the City Council, that the rejected applicant will have no interest in the operation of the business.

**Section 22-425. Fee; term; use by another person; duplicates.**

Every used car dealer shall pay such license fees as are determined by Council ordinance. There shall be no pro-rating of license fees. All licenses shall be issued as of initial approval or January 1<sup>st</sup> and shall continue in force until December 31<sup>st</sup>, unless renewed, sooner suspended, or revoked. No license shall be used by any person other than the original licensee, and any holder of such license who permits it to be used by another person, and any person who uses such license granted to any other person, shall be guilty of a violation of this article.

**Section 22-426. Renewal of License.**

The renewal of a license shall be in the same manner as stated for the issuance of an initial license, which shall be acted upon Administratively, with the exception of applications that have lapsed over thirty (30) days from their expiration date, or which a concern or objection has been expressed by a City department during the investigation of the renewal application. Such application must be forwarded to the City Council for action.

**Section 22-427. Revocation.**

The City Council may, at any time, for such cause as it, upon investigation, deems sufficient, revoke any license granted under the provisions of this article. Whenever any license granted under the provisions of this article shall be revoked, no refund of an unearned portion shall be made and no license shall be granted to any person whose license has been revoked within a period of one year from the date of such revocation. Notice of such revocation and the reasons therefore in writing shall be served by the City Clerk upon the licensee by mailing the notice to the address given in the license and upon filing a copy of such with the city manager.

**Sections 22-428 thru 22-446. Reserved.**