

# CHAPTER 9 LICENSES AND BUSINESS REGULATIONS

## ARTICLE II. USED CAR DEALERS

**Sec. 9-17. Purpose and Findings.** The purpose and intent of this Chapter is to establish rules, regulations and standards for used car sales lots within the City of Oakdale.

**Sec. 9-18. Definitions.** The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise:

**Used car dealer** – means any person operating a used car lot or engaging regularly in the business of buying, selling and dealing in used automobiles. The fact that such person may maintain an agency or subagency for any automobile dealer or other person shall not exempt such agent or subagent from the terms of this article, if such agent or subagent engages in the used car business. State law references: Motor vehicle dealers generally, Minn. Stats. 168.27; sale of used motor vehicles, Minn. Stats. 325F.662 et seq.

**Sec. 9-19. License Required.** No person shall directly or indirectly sell cars from a used car sales lot in the city without first obtaining a license. Licenses are required to be reviewed annually. Applicant must also secure State of Minnesota dealer license prior to operating a used car sales lot and provide evidence of this to the city.

**Sec. 9-20. License Fee and Term of License.** Licenses issued pursuant to this article shall not be transferable from one person to another. The amount to be paid for a license required by this division shall be determined by the City Council. The annual fee for licenses will be determined by an approved fee schedule.

**Sec. 9-21. Application for: Issuance of License.** Applications for a license required by this article shall be made to the city on a form supplied by the city, a minimum of thirty (30) days prior to the desired start date. The applicant shall state the full name and address of the applicant; the full business name and address of the applicant; contact phone numbers; the location/legal description of the premises where said business is to be carried on; the normal business hours; a letter describing operation; a site plan showing location of used car sales lot that notes the sales office, parking areas and streets; copy of State of Minnesota dealer license; copy of certificate of insurance and such other information as shall be required by the applicant form.

The completed application shall be presented to the Council for its consideration. If granted by the City Council, the Licensing Division shall issue a license. Such license may contain reasonable restrictions on the operation of the business.

**Sec. 9-22. License to be Displayed.** Every license required by this article shall be kept conspicuously posted at the location for which the license is issued and shall be exhibited to any person upon request.

**Sec. 9-23. Sunday Closing.** No person licensed under this division shall keep his place of business open, make any sales or do any work in connection with such business on Sunday.

**Sec. 9-24. Inspection.** The premises of any licensee under this division shall be open to inspection at any time during business hours by any authorized officer of the city.

**Sec. 9-25. Duration; suspension or revocation; criminal penalty.**

- (1) Any license issued under this division shall be for one year only, and the application for renewal must be presented to the Licensing Division each year. Licenses issued pursuant to this article shall not be transferable.
- (2) The City Council may suspend or revoke a used car dealer license upon a finding of a violation of: (1) any term or condition of said used car dealer license; (2) any of the provisions of this Chapter; (3) any other federal, state or local law regulating used car dealers; or (4) any federal, state or local law relating to moral character and repute.
- (3) A license revocation or suspension by the City Council shall be preceded by written notice to the licensee and a public hearing with an opportunity for the licensee to be heard. The written notice shall give at least eight (8) days' notice of time and place of the hearing and shall state the nature of the allegations purported as grounds for potential suspension or revocation. The notice may be served upon the licensee by United States mail addressed to the most recent address of the business in the license application.
- (4) It shall be a misdemeanor to violate or fail to comply with any term or condition of a used car dealer license issued under this Chapter.

**Sec. 9-26. General License Restrictions. Special Use in Section 25-74 (c).**

**Sec. 9-27. Zoning Action Required.** In addition to obtaining a license for the sale of used cars, those seeking to lease used motor vehicles also must be granted a Special Use Permit (refer to Chapter 25). Dealers operating prior to adoption of this ordinance are not required to secure a Special Use Permit unless the business proposes to make any physical changes.

**Sec. 9-28. Restrictions Regarding License Transfer.** Each license under this Chapter shall be issued to the applicant only and shall not be transferable to any other person. No licensee shall loan, sell, give or assign a license to another person.