

**FRIDLEY CITY CODE**  
**CHAPTER 18. MOTOR VEHICLE BODY REPAIR BUSINESSES**  
(Ref. 998)

18.01. PURPOSE AND INTENT

It is the purpose of this ordinance to regulate Motor Vehicle Body Repair Businesses to promote the health, safety, and general welfare of the citizens of the City and to establish reasonable and uniform regulations.

18.02. DEFINITIONS

As used in this Chapter, the following terms shall mean:

1. Motor Vehicle.

"Motor vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public roadway and which device is self propelled. Motor vehicle does not include a vehicle moved solely by human power or a vehicle used primarily in connection with the care or cultivation of lawn and gardens, or which is used primarily for recreational purposes off of public roadways; by way of example, this exclusion includes lawn and garden tractors, riding lawn mowers, snowmobiles, and all terrain vehicles. Motor vehicle does include, by way of example and not limitation, new or used automobiles, trucks, motorcycles, motor scooters, and motorized bicycles. In addition to the above, motor vehicle includes any new or used automobiles, truck, motorcycle, motor scooter, or motorized bicycle used in connection with racing or other public contest.

2. Motor Vehicle Body Repair Business.

A. Motor Vehicle Body Repair Business shall include any facility, place, service, or business, including mobile businesses, where the exterior body components or vehicle frame components of a motor vehicle are repaired, replaced, straightened, aligned, sanded, primed, or painted for money, fee, or other consideration.

B. A mobile Motor Vehicle Body Repair Business shall include any business which utilizes a vehicle which goes from place to place for the purpose of making motor vehicle body repairs.

C. A Motor Vehicle Body Repair Business shall exclude those businesses which do not engage in the activities described in 18.02.2.A. or B. but which engage in the following activities:

(1) Facilities, places, or businesses where mechanical work only is performed on motor vehicle engines, engine components and accessories, air conditioning, repair or replacement of window glass, brakes, transmissions, vehicle suspensions, exhaust systems, tire repair and replacement, electrical systems including lights, or repair or replacement of other moving parts of motor vehicles.

(2) Motor vehicle refueling activities or facilities which change, add to, or replace motor vehicle fluids.

(3) Businesses which tow motor vehicles.

3. Exterior Body Components.

Exterior body components are the metal, fiberglass, plastic, or other material comprising the exterior of a motor vehicle including, without limitation but by way of example, fenders, hood, quarter panel, roof, trunk lid, bumpers, grills, and doors. This excludes window glass and lights.

4. Person.

A natural person, firm, partnership, association, corporation, company, or organization of any kind.

5. Public Safety Director.

The Public Safety Director of the City of Fridley or the Director's designee.

6. City.

The City of Fridley, Minnesota, a municipal corporation.

7. Licensee.

The person to whom a license is issued under this Chapter including those persons who have completed or are required to complete applications as an individual applicant, whether or not said individual applicant information has been properly completed.

### 18.03. MOTOR VEHICLE BODY REPAIR BUSINESS DISTRICTS

Motor Vehicle Body Repair Businesses require a Special Use Permit in C-1, C-2, C-3, and M-1 Zoning districts and are a permitted use in M-2 Districts

### 18.04. LICENSE REQUIRED

No person shall exercise, carry on or be engaged in the trade or business of a Motor Vehicle Body Repair Business without first obtaining a license from the City as provided in this Chapter.

### 18.05. INITIAL LICENSE APPLICATION

1. General.

Applications for Motor Vehicle Body Repair Businesses to be issued under this Chapter shall contain information as required on forms prescribed by the City.

2. Nature of Application.

The application shall state whether the applicant is a natural person, corporation, partnership, association, or other form of organization.

3. Individual Applicant.

If applicant is an individual applicant and a natural person, corporation, partnership, association, or other form of organization, the following information shall be furnished:

- A. True name, place and date of birth and street residence address, and length of time at that address, of applicant.
- B. Whether applicant has ever used or been known by a name other than the applicant's true name and, if so, what was such name or names, and information concerning dates and places where used.
- C. The name of the business if it is to be conducted under a designation, name or style other than the full individual name of the applicant.
- D. Kind, name and location of every business or occupation in which applicant has been engaged during the previous five (5) years.
- E. Name and location of every Motor Vehicle Body Repair Business in which applicant had an ownership interest or for which applicant has performed services during the preceding five years. As to each such business, state the names and addresses of applicant's employers, corporate entities involved, and partners, if any.
- F. Whether applicant has ever been convicted of a felony in the past ten years or a gross misdemeanor in the past five years, excluding traffic violations, and if so, the date and place of conviction and the nature of the offense. Whether applicant has been convicted of a misdemeanor involving a Motor Vehicle Body Repair Business including its licensing, or operation, or any other misdemeanor concerning theft, possession of stolen property. or consumer fraud in the past five years, and if so, the date and place of conviction and the nature of the offense.
- G. Whether applicant has ever had a business license revoked or denied by the City or any other governmental entity in connection with the operation of a motor vehicle body repair facility.
- H. The Environmental Protection Agency Identification Number for all activities to be conducted.
- I. Anoka County Hazardous Waste Generator's License Number for activities to be conducted.

J. Information regarding insurance coverage as required herein.

K. The street address and exact legal description of the location from which the business to be licensed is to be conducted shall be provided; for a proposed new business which will not utilize an existing building at the location on which the operation is proposed, a plot plan shall accompany the license application showing dimensions, location of buildings, street access, and parking facilities. If a mobile business is to be licensed, the applicant shall state the location where the calls are to be received, the location where the mobile vehicle's use in the business are to be parked when not in use, and shall identify by make, model, and year the vehicles to be used in the business.

4. Partnership.

In addition to the information required of an individual applicant, if applicant is a partnership, the names and addresses of all partners who own more than five percent (5%) of the partnership, singly and all partners who, singly or together with their spouse, parent, brother, sister, or child or any of them, own or control an interest in the partnership in excess of twenty-five percent (25%), shall in addition provide all information required of an individual applicant. A managing partner or partners shall be designated who shall, regardless of the share of their partnership interest, provide all information required of an individual applicant.

5. Corporation.

If applicant is a corporation or other association, the following information shall be required in addition to the information required of an individual applicant:

A. Name and, if incorporated, the state of incorporation.

B. A true copy of the certificate of incorporation, articles of incorporation or association agreement and by-laws and, if a foreign corporation, a certificate of authority as described in Minnesota Statutes.

C. The name of the operating officer or other agent in charge of the business to be licensed, and as to such person, the information required by an individual applicant. As used in this Chapter, the term "operating officer" shall mean the person responsible for the day-to-day operating decisions of the licensed business.

D. A list of all persons who, singly or together with their spouse, or a parent, brother, sister, or child or any of them, own or control an interest in said corporation or association in excess of twenty-five percent (25%); or any shareholder who singly holds an interest of five percent (5%) or more in the business to be licensed and who is active in the operation of the business; and the officers of the corporation or association who have management responsibility or input or control over the management and operation of the business, together with their addresses and all information as is required of an individual applicant.

E. The information required in 5.D above shall not be required of a corporation who's stock is publicly traded on a stock exchange or in the over the counter market.

6. Corporation as Partner, Shareholder, or Other Owner.

If a corporation has an ownership interest of twenty-five percent (25%) or greater as a shareholder in another corporation, as a partner in a partnership, or in an association or other business entity, all information required herein for a corporation or partnership as an applicant shall be provided as to the corporation owning the twenty-five percent (25%) or greater ownership interests.

7. Location of Business.

The street address and exact legal description of the location from which the business to be licensed is to be conducted shall be provided; for a proposed new business which will not utilize an existing building at the location on which the operation is proposed, a plot plan shall accompany the license application showing dimensions, location of buildings, street access, and parking facilities. If a mobile business is to be licensed, the applicant shall state the location where the calls are to be received, the location where the mobile vehicle's use in the business are to be parked when not in use, and shall identify by make, model, and year the vehicles to be used in the business.

8. Other Information Required.

Such other information as the City Council shall require.

## 18.06. RENEWAL APPLICATIONS

1. License Period, Expiration.

Each initial license and each renewal license shall be issued for a period of one year. The fee for a renewal license shall be provided by Chapter 11 of the City Code. Where changes occur in connection with a renewal of a license, or in connection with a proposed transfer or other amendment of a license, as to those changes, the provisions of this Chapter as to information required in an initial application shall be provided as to all changes.

## 18.07. EXECUTION OF APPLICATION

If the application is by an individual person, it shall be signed and sworn to by such person; if by a corporation, by the operating officer thereof; if by a partnership, by one of the general partners; if by an association, by the operating officer or managing officer thereof. If the applicant is a partnership or association, the application and license shall be made and issued in the name of the partnership or association. Any intentional false statement in the application shall result in the denial of the application. Any negligent false statement or any inadvertent omission shall result in denial of the license until the error or deficiency is corrected.

## 18.08. GRANTING LICENSES

1. At the time of making an initial or renewal application, the applicant shall, in writing, authorize the Police Department of the City to investigate all facts set out in the application and do a personal background and criminal record check on the applicant, including all persons required to provide information as if they were individual applicants. The applicant and all persons disclosing as of individual applicant shall further authorize the Police Department to release information received from such investigation to the City Council to the extent that it reveals a felony conviction in the past ten (10) years, other criminal activity in the past five (5) years, or other activity in the past five (5) years would and could affect the fitness of the applicant to be licensed to conduct a Motor Vehicle Body Repair Business.
2. Each license shall be issued to the applicant only and shall not be transferable.
3. Each license shall be issued only for the premises described in the application or mobile business described, and shall not be transferable except with the consent of the City Council.
4. No change in the controlling ownership or location of a license shall be permitted except by amendment to the license approved by the City Council.

## 18.09. LICENSE FEES ESTABLISHED.

1. Annual Fees, Renewal Fees, and Amendment Fees. The annual license fee, the renewal fee, and all amendment fees for licenses required by this article shall be in the amounts as specified in Chapter 11, General Provisions and Fees, of the Fridley City Code.
2. Investigation Fees.

At the time of each original application for a license, or upon an application for a transfer, renewal, or amendment to a license, if the application reveals a prior business license denied or revocation, or a criminal conviction for which disclosure is required, the applicant shall pay, in full, an investigation fee, whether or not a license is granted. The investigation fee shall be as specified in Chapter 11, Provisions and Fees, of the Fridley City Code. In addition, if the City of Fridley conducts an investigation which reveals a false statement or non-disclosure in the application, the applicant shall pay to the City of Fridley the investigation fee whether or not a license is granted; provided, however, that if the investigation reveals an intentional false statement or deliberate non-disclosure in an application, the applicant shall pay an amount equal to twice the investigation fee to the City.

## 18.10. PAYMENT OF FEES.

### 1. Initial Fees.

The annual license and investigation fees, where applicable, for a new license shall be paid in full before the application for the license is accepted. Upon rejection of any application for a license or upon withdrawal of an application before approval of the issuance by the Council, no refund shall occur. If any investigation outside the State of Minnesota is required, if the applicant is required to pay an investigation fee, the applicant shall be charged the cost in excess of the initial investigation fee for such out of State investigation, prior to the issuance of a license, whether or not the license is granted.

### 2. Renewal Fees.

The annual license fee for renewal, the transfer fee, and the amendment fee for a license shall be paid in full at the time the renewal, transfer, or amendment application is filed with the City.

## 18.11. INVESTIGATION AND RECOMMENDATION OF PUBLIC SAFETY DIRECTOR

1. The Public Safety Director shall recommend approval of the issuance of a license by the City to an applicant within twenty- one (21) days after receipt of an application by the City, unless the Director finds one or more of the following to be true:

A. An applicant is under 18 years of age.

B. An applicant, or any person providing information as if an individual applicant, has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

C. An applicant, or a person providing information as if an individual applicant, has been convicted of any crime related to the occupation to be licensed, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a Motor Vehicle Body Repair Business.

D. An applicant, or a person providing information as if an individual applicant, has been denied a license to operate a Motor Vehicle Body Repair Business within the preceding twenty-four (24) months by the City or any other governmental entity, or whose license to operate a Motor Vehicle Body Repair Business has been revoked within the preceding twenty-four (24) months by the City or other governmental agency, and in the case of either a denial or revocation, has not shown competent evidence of sufficient rehabilitation and present fitness to perform duties of a Motor Vehicle Body Repair Business.

E. The location to be used for the Motor Vehicle Body Repair Business is not properly zoned, does not meet all Fire Code laws and regulations, or otherwise is not a proper location for the operation of a Motor Vehicle Body Repair business. If a mobile license is sought, the applicant has not met the requirements of this ordinance or has not demonstrated the ability to comply with all laws and regulations including environmental laws in connection with the operation of the business. Upon the correction of said deficiencies in the location, an application otherwise in accordance with this Chapter shall be processed.

F. The fees required by this chapter have not been paid.

G. The applicant is not the real party in interest or beneficial owner of the business operated, or to be operated, under the license, or the interests of all persons whose disclosure is required have not been revealed.

H. Other grounds exist on which license should be denied.

#### 18.12. ISSUANCE OF LICENSE CONDITIONS.

1. The City Council shall act to approve or disapprove the license application within forty-five (45) days after the recommendation by the Public Safety Director, provided that the application contains all of the information required by this Chapter. If the application is deficient, the City Council shall act on the application within forty-five (45) days from the date that the deficiency has been corrected. If the City Council fails to timely act on the application, the applicant shall be entitled to operate on an interim basis until the City Council approves or disapproves the application. A: business licensed under this chapter shall be entitled to continue operations at the current licensed location while an application is pending before the City Council for approval or disapproval for amendment, renewal, or transfer. A business requesting a transfer of a license from a business licensed under this chapter shall not be entitled to operate pursuant to this chapter. In the event of the licensee's death, the business shall be allowed to continue to operate until the City Council acts on a new license application from the successor. The application shall be submitted within sixty (60) days from the date of the licensee's death.

2. The license if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the Motor Vehicle Body Repair Business or its designation as a Mobile Motor Vehicle Body Repair Business. The license shall be posted in a conspicuous place at or near the entrance to the Motor Vehicle Body Repair Business so that it may be easily read at any time or copies shall be available for inspection on each vehicle used in connection with a Mobile Motor Vehicle Body Repair Business,

3. Licenses issued to an applicant shall be valid as long as there is no change in the operating officer or controlling ownership of the applicant, provided an application is made to the City for an amendment to the application within thirty (30) days after said change occurs, and said change is ultimately approved by the City Council. Failure to timely report any such change in the operating officers, or controlling ownership interest in the applicant shall be grounds for revocation of the license. The City Council shall review and approve said license amendment if the application with the proposed amendments meets the qualifications of an original license application.

### 18.13. INSPECTION.

1. An applicant or licensee shall permit representatives of the City to inspect the premises of a Motor Vehicle Body Repair Business, including all vehicles used in said business, for the purpose of insuring compliance with the law at any time vehicle repair is occurring or open for business. If admission is refused, or if an inspection is requested and denied at a time when the licensee is not open for business, the City and its Departments may apply to the Court for a warrant to gain admission.

### 18.14. REFUSAL, SUSPENSION, OR REVOCATION.

1. It is unlawful for any applicant or licensee to intentionally make a false statement or omission upon any application form. Any intentional false statement in such application or any intentional omission to state any information called for on such application form, shall upon discovery of such falsehood, be grounds for denial of a license, or if such license is already issued, shall be grounds for revocation. Issuance of a license shall not protect the applicant from prosecution of violation for this section. Any applicant who gives or furnishes an intentional false statement or intentional omission is also subject to the penalties provision of this chapter.

2. The City Council may suspend or revoke a license issued under this Chapter if the licensee fails to comply with all laws and regulations applicable to the operation of business including all zoning laws and environmental laws and regulations, or in the event of a criminal conviction involving the Motor Vehicle Body Repair Business, by the licensee, the operating officer of the licensee, or any owner of the licensee.

3. The City Council may suspend or revoke a license issued under this Chapter upon a finding of a violation of any of the provisions of this Chapter or any State Statute regulating Motor Vehicle Body Repair Businesses. Any criminal conviction by a court of law involving the licensed businesses for theft, receiving stolen property, or any other crime or violation involving stolen property shall result in the immediate suspension pending a hearing on revocation of any license issued hereunder.

4. The City Council may revoke a license if the Special Use Permit has been revoked.

5. The City Council may revoke or suspend the license if the licensee, any operating officer of the licensee, or any person required to submit information as if an individual applicant, is convicted of knowingly possessing or using stolen motor vehicles or motor vehicle parts.

6. The City Council may revoke or suspend the license of a licensee who has not complied with the requirements of this chapter.

7. Except in the case of a suspension following a criminal conviction pending a hearing on revocation, a revocation or suspension of a license by the City Council shall be preceded by a public hearing. The hearing notice shall be given at least ten (10) days prior to the hearing, including notice of the time and place of the hearing, shall state the nature of the charges against the licensee, and shall be mailed to the licensee by certified mail at the business address stated in the license.

#### 18.15. INSURANCE REQUIRED.

Every license applicant shall provide and maintain in full force and effect public liability insurance to indemnify any person against loss or injury in the sum of one hundred thousand dollars (\$100,000.00) for injury or death to one person and three hundred thousand dollars (\$300,000.00) for each accident or occurrence, and ten thousand dollars (\$10,000.00) property damage, for injuries occurring at the location to be licensed or in connection with the operation of the business to be licensed. A copy of the, certificate of insurance or binder showing such coverage shall be attached to the initial renewal, or amended application license.

#### 18.16. MAINTENANCE OF RECORDS REQUIRED.

Every Motor Vehicle Body Repair Business shall maintain, on the premises, original records which shall include all work orders and invoices for all customers for whom motor vehicle body repairs have been performed. In addition, every Motor Vehicle Body Repair Business shall maintain a record of all parts that are purchased including the source, price, and method of payment, which shall include all cancelled checks issued in payment for parts. Purchase invoices shall be maintained for all parts purchased by the licensee. These records shall be immediately available for inspection and copying by enforcement officials and shall be retained on premise for at least two (2) years. As used in this section, the term "invoice" shall contain that information required in Minnesota Statutes Chapter 325F.56 to 325F.65.

#### 18.17 SEVERELY DAMAGED VEHICLES.

Immediately upon arrival at the motor vehicle repair business, the damaged vehicle shall be inspected to insure that there are no fluids leaking from the vehicle.

#### 18.18. SEVERABILITY.

Every section, provision, or part of this Chapter is declared separable from every other section, provision, or part to the extent that if any section, provision, or part of this Chapter shall be held invalid, such holding shall, not invalidate any other section, provision, or part thereof.

#### 18.19. MOTOR VEHICLE IDENTIFICATION NUMBERS.

The applicant shall not allow any motor vehicle parts to be on the in which manufacturers identification numbers have been removed or altered. Manufacturers identification include vehicle identification number (VIN); federal motor vehicle safety certification label; and component labels. Manufacturers identification numbers also include all references in the federal motor vehicle theft law enforcement act of 1984 and the federal motor vehicle theft prevention standard codified as part of. the code of federal regulations.

## 18.20 PENALTIES.

Whoever does any act forbidden by this Chapter or omits or fails to do any act required by this Chapter shall be guilty of a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of the Fridley City Code.

## 18.21. JOINT APPLICATIONS AS USED MOTOR VEHICLE DEALERS, JUNKYARDS, OR BOTH

Applicants who engage in the business of used motor vehicle sales, as defined in Chapter 19, or who are also considered junkyards, as defined in Chapter 24, may file a joint application where the requirements of Chapter 18 and the other respective chapters are submitted and reviewed together. In some instances, all three chapter requirements may apply to a license. The appropriate forms may be obtained from the City Clerk.