

CHAPTER 54

MOTOR VEHICLE DEALERS

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MOTOR VEHICLE DEALERS

54.01 DEFINITIONS. For the purposes of this chapter, terms shall have the following meanings:

Car Lot: A lot, piece or parcel of ground not under a roof upon which are stored or located motor vehicles which are held, offered or to be offered for sale, trade or exchange.

Dealer: A person who is engaged in the business of buying, selling, trading or bargaining for motor vehicles within the city as principal or agent. A person who buys, sells, trades or bargains for more than three motor vehicles in the city during any 12-month period shall be presumed to be a dealer during that year, but such presumption may be rebutted.

Licensee: A licensed dealer or his employee or agent.

Motor Vehicle: A vehicle as defined in Minnesota Statutes, Section 169.01, excepting snowmobiles, motorized bicycles, motor scooters, motorized wheel chairs, utility trailers, farm wagons, farm trailers, farm tractors or other farm implements whether self-propelled or not.

54.02 LICENSES. No person shall engage in the business of buying, selling, trading or bargaining for motor vehicles in the city without first having obtained a license from the city to do so. No person shall be granted a license unless he possesses a license issued by the State of Minnesota pursuant to Minnesota Statutes, Section 168.27.

54.03 LICENSE APPLICATIONS. An application for a license shall be made to the city clerk and shall show: (1) the name of the applicant and all persons associated with him in the business therein; (2) the place where such business is or is to be conducted; (3) the present place of business of the applicant; (4) the places of residence and the businesses engaged in by applicant for the previous 5 years; (5) such other information as the city clerk may from time to time require. An application for a license shall be made to the city clerk upon forms furnished by him. The license shall be issued by the city clerk upon payment of the fee herein prescribed.

54.04 CONDITIONS OF LICENSE. (a) A license shall be issued for one year.

(b) A license hereunder shall not be transferable unless approved by a resolution of the city council. No refund to a licensee shall be made.

(c) A license shall be posted in a conspicuous place at the place of business of the licensee and shall be shown to any police officer or citizen who demands to see it.

(d) All real estate taxes due and payable in the calendar year preceding the term of the license, and applicable to the licensed premises, shall be paid in full prior to issuance of any license pursuant to this section. Ord. No. 3096 10/21/91.

54.05 MAINTENANCE OF CAR LOT. (a) A licensee shall at all times keep his car lot in a neat and orderly condition.

(b) A licensee shall place on or adjacent to all boundary lines next to a residential area opaque fencing of a type and height approved by the building inspector; such fencing shall not exceed 6 feet in height. A fence need not be supplied if a written waiver executed by the adjoining property owner is annually placed on file with the city clerk.

(c) If a car lot is located in an area of the city which is predominantly residential in character respective of zoning, a licensee shall place curbing adjacent to all boundary lines adjoining public property to prevent motor vehicles from crossing over the public property, except where there is an

approved driveway. Curbing shall be made of concrete in a manner and of a height, thickness and length approved by the city engineer. Ord. No. 2530 04/07/80.

54.06 USE OF TURFED AREAS. A licensee may occasionally place motor vehicles held for sale on turfed or lawn areas for the purpose of displaying the vehicles to the public. A vehicle may be driven on or off such area, but the area shall not be used as a roadway, and vehicles shall be moved as infrequently as possible. Such an area shall not be used if there is adequate paved area for display. A licensee shall not make such use of such an area unless he has a written permit from the city. A permit shall be valid for such period of time as the city manager or his designated representative shall consider responsible under the particular circumstances.

54.07 USE OF STREETS; CLOSED BUILDING. A licensee shall not nor shall he permit or allow anyone to:

(a) Park or leave standing or offer for sale a motor vehicle owned by the licensee, or which he has contracted to buy, or which he holds as agent, on any street or other public ground anywhere in the city for a period longer than 30 minutes. This restriction shall not apply to a motor vehicle in the possession of a licensee while he is using it for his personal needs.

(b) Display, demonstrate, test, service, maintain or repair a motor vehicle owned by the licensee, or which he has contracted to buy, or which he holds as agent, on any sidewalk, street or other public ground anywhere in the city. This restriction shall not prohibit a dealer from giving a prospective buyer a ride in a motor vehicle or prohibit a dealer from permitting a prospective buyer to drive a motor vehicle.

(c) Test, service, maintain or repair a motor vehicle owned or possessed as provided in subsection (b) other than in a closed building. This restriction shall not apply to a "road test" of a motor vehicle.