

CITY OF PLYMOUTH

ORDINANCE NO. 2020-13

ORDINANCE AMENDING SECTIONS 1135, 1150, AND 1010 OF THE PLYMOUTH CITY CODE

THE CITY OF PLYMOUTH ORDAINS:

SECTION 1. Amendment. Section 1135.05 under Definitions of the Plymouth City Code is hereby amended as follows:

Massage Therapist. An individual who practices or administers massage to the public who can demonstrate to the issuing authority that he or she:

1. Has current insurance coverage of \$1,000,000.00 for professional liability in the practice of massage;
2. Is affiliated with, employed by, or owns a therapeutic massage enterprise licensed by the City;
3. Has completed 500 hours of certified therapeutic massage training with content that includes the subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice from a program or institution licensed and verified by a state licensing board and that has been approved by the issuing authority or who has successfully passed the National Certification Examination for Therapeutic Massage and Bodywork. These training hours must be authenticated by a single provider through a certified copy of the transcript of academic record from the school issuing the training, degree or diploma. In the event the accredited program or accredited institution is no longer in existence, in the sole discretion of the City, a certified copy of the transcript of academic record may be accepted directly from the applicant with an affidavit stating said transcript of academic record is authentic. The certified copy of the transcript of academic record must contain the applicant's name, last address of the institution at the time of closing, and reflect the 500 hours of certified therapeutic massage training with content that includes the subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice as required.

SECTION 2. Amendment. Section 1135.13 of the Plymouth City Code concerning Therapeutic Massage licensing is hereby amended as follows:

1135.13. - Terms, License Fees, Renewal of License, and Denials.

- A. *Terms of licenses.* The term of a therapeutic massage enterprise license is one year. If an enterprise submits an application any time during a calendar year, the term shall expire December 31 of the year of issuance, with the remainder of the year at a pro rata fee, with any unexpired fraction of a month being counted as one month. The term of a massage therapist license is one year from the date of issuance shall expire on August 31 of each year.
- B. *License fees.* License fees, investigation fees, and late fees are set forth in Chapter X of this Code. No investigation fee shall be refunded.
- C. *Renewal of licenses.* An application for renewal of an enterprise or individual license shall be made in the same manner as the original application.

D. *New and Renewal Applications that are denied.* The issuing authority will notify applicant if their new or renewal application has been denied based upon the results of the background investigation. The applicant may appeal the denial to the City Manager, or his or her designee, within 30 days of the date of the notice. A hearing will be scheduled within ten days after service of the notice of appeal upon the City Manager, or his or her designee. At the conclusion of the hearing, or as soon as thereafter as practicable, the City Manager, or his or her designee, may order:

1. That the denial by the issuing authority be affirmed.
2. That the denial by the issuing authority be reversed and the license be issued.

SECTION 3. Amendment. Section 1150.12 of the Plymouth City Code concerning Administrative Civil Penalties for Tobacco and Related Products is hereby amended as follows:

1150.12. - Violations.

A. *Misdemeanors.* Any person who violates this ordinance shall be guilty of a Misdemeanor unless the violation has a specific penalty designated by state law.

B. *Administrative Civil Penalties; Individuals.* An individual who sells tobacco-related products to a person under the age of 21 years shall be subject to an administrative penalty of \$50.00. No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before the Chief of Police or his/her designee. A decision that a violation has occurred must be in writing.

C. *Administrative Civil Penalties; Licensee.* If a licensee or an employee of a licensee sells, gives, or otherwise furnishes tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of 21 years, or violates any other provision of this chapter, the licensee shall be subject to an administrative penalty as follows:

Offense	Minimum (State)	Presumptive Penalty (City)	Maximum (City/State)
1 st Violation	\$75.00 <u>\$300.00</u> and/or 0 days suspension	\$500.00 fine and 5-day suspension stayed	\$2,000.00 and/or 60-days suspension
2 nd Violation (within 24 <u>36</u> months)	\$200.00 <u>\$600.00</u> and/or 0 days suspension	\$750.00 fine and 5-day suspension	\$2,000.00 and/or 60-days suspension
3 rd Violation (within 24 <u>36</u> months)	\$250.00 <u>\$1,000.00</u> and/or 7 days suspension	\$1,000.00 fine and 10-day suspension	\$2,000.00 and/or 60 days suspension
4 th Violation (within 24 months)	None listed	Revocation	Revocation

No suspension, revocation, or other penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing. A decision that a violation has occurred must be in writing.

D. *Defense*. It is a defense to the charge of selling tobacco-related products to a person under the age of 21 years, that the licensee or individual, in making the sale, reasonably and in good faith relied upon representation of proof of age described in Minnesota Statutes, section 340A.503, subdivision 6, paragraph (a).

SECTION 4. Amendment. Section 1010, Subd. 5D of the Plymouth City Code is hereby amended as follows:

Sunday Growler Off Sale	\$50.00
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SECTION 5. Amendment. Section 1010, Subd. 7 of the Plymouth City Code is hereby amended as follows:

E. Dangerous Dog License	\$500.00 \$350.00
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SECTION 6. This ordinance shall become effective immediately upon passage.

ADOPTED by the City Council on this 13th day of October, 2020.

Jeffry Wosje, Mayor

ATTEST:

Sandra R. Engdahl, City Clerk