CITY OF SPRING PARK
PLANNING COMMISSION AGENDA
NOVEMBER 9, 2022 – 6:00 PM
SPRING PARK CITY HALL

1. CALL TO ORDER

2. APPROVAL OF MINUTES
   a. Planning Commission Minutes from September 14, 2022

3. REQUESTS & PRESENTATIONS
   a. Mark Chase
   b. THC Licensing Ordinance Consideration and potential Public Hearing for 12/14/22
   c. Review Updated Tobacco Language and make recommendation to Council

4. CODE AMENDMENTS
   a. Chapter 13: Amending Duration Language related to Mobile Food Units
   b. Chapter 18: Amending Hoop House Definition

5. MISCELLANEOUS

6. ADJOURNMENT

CITY OF SPRING PARK
PLANNING COMMISSION MINUTES
SEPTEMBER 14, 2022 – 6:00 PM
SPRING PARK CITY HALL

1. CALL TO ORDER

The meeting was called to order at 6:00p.m.

Planning Chair Hoffman and Commissioners Avalos, Mason, and Terryll were present. Commissioner Homan was absent.

Staff Present: City Administrator Anderson, City Planner Brixius

Guest Speaker: Josh Leddy, Back Channel Brewing

2. APPROVAL OF MINUTES
   a. Planning Commission Minutes from August 10, 2022

Commissioner Mason motioned, being seconded by Commissioner Terryll, to approve the minutes as presented. On vote being taken, the motion was unanimously approved.

3. BACK-CHANNEL BREWING (BCB)
   a. **Permanent Food Truck**: City Planner Brixius provided a recap of a request from Back Channel Brewery to allow for a Permanent Food Truck on the site for availability during the winter months and when an alternate food truck is not available. He stated that the request meets all the code requirements except for ***Section 3. Sec. 13-34. Duration*** and listed out the concerns and questions that need to be addressed prior to recommendation to move forward. Applicant, Josh Leddy, Back Channel Brewing, reviewed each concern and provided detail and resolutions for each one. Discussion was had. City Planner Brixius recommended that we move forward and present to Council Chair Hoffman's recommendation to amend the language in the mobile food truck licensing code.

Chair Hoffman made a motion to revise the second sentence in ***Section 3. Sec. 13-34. Duration****: removing "….45 additional days per calendar year…" and replacing it with 351 days and quantifying the language surrounding "…sole discretion..." along with deleting the last sentence in the second paragraph. Commissioner Terryll amended the motion to include defining the parameters surrounding the uses. Commissioner Mason seconded the motion. On vote being taken, the motion was unanimously approved.*

4. MISCELLANEOUS
   a. Hoop House Definition:

   City Administrator Anderson brought forward a situation of threatened litigation surrounding the hoop house definition in the current city code. City Planner Brixius reviewed the definitions provided in the Planning Commission packet and approved them to be added to code.

b. Merchandising:

Chair Hoffman provided information surrounding his findings on the process and requirements of ordering City merchandise. There are minimum orders required with the marketing companies and the process would have to be managed by City staff. Discussion was had. Commissioner Terryl brought forward an idea to obtain the sales model and financial information from Minnetonka Beach to determine if we can learn anything from their process. Chair Hoffman will contact Minnetonka Beach and see what he can find out.

ADJOURNMENT

At 6:55, Commissioner Avalos motioned, being seconded by Commissioner Terryl, to adjourn the meeting. On vote being taken, the motion was unanimously approved.

November 9 Planning Commission Memo

To: Spring Park – Planning Commission Members

From: Mike Anderson, Administrator

Subject: Agenda Item Summary

Hoop House Language: Our current language has the lack of enforcement to it. We need to add language in order to be able to back our enforcement. The Language in front of you does that. We are looking for discussion and recommendation to Council for approval.

Mobile Food Unit: Back Channel has requested to have a mobile or permanent food unit in their parking lot year-round. The Planning Commission has recommended changing language to the ordinance to allow for this year-round. In front of you tonight is an amendment that would allow it to move forward. We are looking for discussion and recommendation for Council approval.

THC & Tobacco Ordinance: Currently the Council approved an MOU to not allow the sale of THC infused products. The Ordinance in front of you would allow it with a license within the City of Spring Park. This has been reviewed and approved by the City Attorney.

The Tobacco Ordinance needs an amendment. Recently, the State passed Tobacco 21 which changes the age of sale from 18 to 21 inside State lines. Our ordinance needs to reflect this. The amendment in front of you tonight shows the necessary changes. We are looking for discussion and recommendation for approval to the City Council.

CITY OF SPRING PARK
COUNTY OF HENNEPIN
STATE OF MINNESOTA

ORDINANCE NO. 2022 -_____

AN ORDINANCE AMENDING THE SPRING PARK CITY CODE, CHAPTER 12 – BUSINESSES, BY ADDING ARTICLE V. THC PRODUCTS, ESTABLISHING LICENSING FOR THE SALE OF THC PRODUCTS REGULATED BY MINNESOTA STATUTES, SECTION 151.72

THE CITY COUNCIL OF THE CITY OF SPRING PARK, MINNESOTA ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Spring Park hereby amends Chapter 12 by adding a new Article V. THC Products as follows:

ARTICLE V. THC PRODUCTS

DIVISION 1. GENERALLY

Sec. 12-50. Purpose and intent.

(a) *Purpose.* The purpose of this section is to regulate the sale of any product that contains tetrahydrocannabinol ("THC") and meets the requirements to be sold for human or animal consumption under Minnesota Statutes, section 151.72 ("THC products") for the following reasons:

(1) The city recognizes that, based on the most reliable and up-to-date scientific evidence, the introduction of legalized THC products presents a potential threat to the public health, safety, and welfare of the residents of Spring Park.

(2) The city has the opportunity to be proactive and make decisions that will mitigate this threat, reduce exposure of young people to THC products, curtail the marketing of THC products to young people, and improve retailer compliance with existing laws related to THC products.

(3) A local regulatory system for retailers of THC products is appropriate to ensure that such retailers comply with laws and business standards of the city of Spring Park to protect the health, safety, and welfare of our youth and other vulnerable residents.

(4) Minnesota Statutes, section 151.72 requires THC product retailers to check the identification of purchasers to verify that they are at least 21 years of age, comply with certain packaging and labeling requirements to protect children and youth, and meet certain potency and serving size requirements.

(5) State law further authorizes the Minnesota Board of Pharmacy to adopt product and testing standards in part to curb the illegal sale and distribution of THC products and to

ensure the safety and compliance of commercially available THC products in the State of Minnesota.

(6) State law does not preempt municipalities from adopting and enforcing local ordinances to regulate retailers of THC products, including, but not limited to, business licensing requirements.

(7) Establishing licensing requirements for retailers that desire to sell THC products will not unduly burden legitimate business activities of such retailers who sell or distribute THC products to adults but will allow the city to effectively regulate the operation of lawful businesses and discourage violations of THC product-related laws.

In making these findings and enacting this section, it is the intent of the city to facilitate responsible retail activities associated with THC products by allowing legal sale and access without promoting increases in use, and to discourage violations of THC product-related laws, especially those which prohibit or discourage the marketing, sale or distribution of THC products to underage persons, as defined herein.

Sec. 12-51. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Compliance checks. The system the city uses to investigate and ensure that those authorized to sell THC products are following and complying with the requirements of this article. Compliance checks shall involve the use of persons under the age of 21 as authorized by this article. Compliance checks shall also mean the use of persons under the age of 21 who attempt to THC products for educational, research and training purposes as authorized by state and federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state or local laws and regulations relating to THC products.

*Exclusive Liquor Store***.** An establishment that meets the definition of exclusive liquor store in Minnesota Statutes, section 340A.101, as it may be amended from time to time.

Moveable place of business. Any form of business operated out of a truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

Retail establishment. Any place of business where THC products are available for sale to the general public. Retail establishments shall include, but are not limited to, grocery stores, convenience stores, breweries, and restaurants.

Sale. Any transfer of goods for money, trade, barter or other consideration, including giving goods away for free, whether alone or in conjunction with other goods or products.

Sampling. The use or consumption of any THC product in a retail establishment by a customer or potential customer for the purpose of sampling the product before a purchase.

Self-service merchandising. Open displays of THC products in any manner where any person shall have access to the THC products without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention shall entail the actual physical exchange of the THC product between the customer and the licensee or employee.

THC Product. Any product that contains tetrahydrocannabinol and that meets the requirements to be sold for human or animal consumption under Minnesota Statutes, section 151.72.

Vending machine. Any mechanical, electric or electronic or other type of device which dispenses THC products upon the insertion of money, tokens or other form of payment directly into the machine by the person seeking to purchase the THC product.

Secs. 12-53—12-60. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 12-61. Violations.

(a) *Notice.* Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of the right to be heard on the accusation.

(b) *Hearings.* If a person accused of violating this article so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.

(c) *Hearing officer.* The city council shall serve as the hearing officer.

(d) *Decision.* If the hearing officer determines that a violation of this article did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under section 12-62, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.

(e) *Appeals.* Appeals of any decision made by the hearing officer may be filed in the district court.

(f) *Misdemeanor prosecution.* Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any alleged violation of this article. If the city elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.

(g) *Continued violation.* Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

Sec. 12-62. Penalties.

(a) *Licensees.* Any licensee found to have violated this article, or whose employee shall have violated this article, shall be charged an administrative fine as determined by the city council. In addition, after the third offense, the license shall be suspended for not less than seven days.

(b) *Other individuals.* Other individuals found to be in violation of this article shall be charged an administrative fee as determined by the city council.

(c) *Misdemeanor.* Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any violation of this article.

Sec. 12-63. Exceptions and defenses.

Nothing in this article shall prevent the providing of THC products to a person under the age of 21 as part of a lawfully recognized religious, spiritual or cultural ceremony. It shall be an affirmative defense to the violation of this article for a person to have reasonably relied on proof of age as described by state law.

Sec. 12-64. Severability

If any section or provision of this article is held invalid, such invalidity shall not affect other sections or provisions which can be given force and effect without the invalidated section or provision.

Secs. 12-65—12-70. Reserved.

DIVISION 3. LICENSE

Sec. 12-71. Required.

(a) *Obtaining from city.* No person shall sell or offer to sell any THC product without having obtained a license to do so from the city. All licenses issued under this section shall be valid only on the premises for which the license was issued and only for the person, to whom the license it was issued. No transfer of any license to another location or person shall be valid.

(b) *Application.* An application for a license to sell THC products shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city deems necessary. Upon receipt of a completed application, the city administrator/clerk/treasurer shall forward the application to the city council for action at its next regularly scheduled council meeting. If the city clerk determines that an application is incomplete, the clerk will return the application to the applicant with notice of the information necessary to make the application complete.

(c) *Action.* The council may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the council approves the license, the city clerk will issue the license to the applicant. If the council denies the license, notice of the denial will be given to the applicant along with notice of the applicant's right to appeal the council's decision.

(d) *Term.* All licenses issued under this article shall be valid for one calendar year from July 1 through the following June 30. For any license issued after July 1 in any year, the license shall be valid from the date of issue through the following June 30.

(e) *Revocation or suspension.* Any license issued under this article may be revoked or suspended. In such case, the licensee may request or hearing or appeal as provided in sections 12-61 and 12-62.

(f) *Transfers.* All licenses issued under this article shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the city council.

(g) *Moveable place of business.* No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this article.

(h) *Display.* All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

(i) *Renewals.* The renewal of a license issued under this article shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current license. The issuance of a license issued under this article shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

Sec. 12-72. Fees.

No license shall be issued under this article until the appropriate license fee shall be paid in full. The fee for a license under this article shall be as listed on the appropriate license fee schedule.

Sec. 12-73. Basis for denial.

(a) Grounds for denying the issuance or renewal of a license under this article, include, but are not limited to, the following:

(1) The applicant is under the age of 21 years.

(2) The applicant has been convicted within the past five years of any violation of a federal, state or local law, ordinance provision, or other regulation relating to THC products.

(3) The applicant has had a license to sell THC products revoked within the preceding 12 months of the date of application.

(4) The applicant fails to provide any information required on the application, or provides false or misleading information.

(5) The applicant is prohibited by federal, state or other local law, ordinance or other regulation from holding such a license.

(6) The applicant is an exclusive liquor store.

(b) Except as may otherwise be provided by law, the existence of any particular grounds for denial does not mean that the city must deny the license.

(c) If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this article.

Secs. 12-74—12-80. Reserved.

DIVISION 4. SALES RESTRICTIONS

Sec. 12-81. Prohibited sales.

(a) It shall be a violation of this article for any person to sell or offer to sell any THC products:

(1) To any person under the age of 21 years.

(2) By means of any type of vending machine.

(3) By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premises in order to receive the THC product and whereby there is not a physical exchange of the THC product between the licensee or the licensee's employee and the customer.

(4) By means of providing samples of any THC product free of charge or at a nominal cost.

(5) By any other means, to any other person, or in any other manner or form prohibited by federal, state or local law, ordinance provision, or other regulation.

Sec. 12-82. Vending machines.

It shall be unlawful for any person licensed under this article to allow the sale of THC products by means of a vending machine.

Sec. 12-83. Self-service sales.

All THC products shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public.

Sec. 12-84. Responsibility.

All licensees under this article shall be responsible for the actions of their employees in regard to the sale of THC products on the licensed premises; and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the city from also subjecting the clerk to whatever penalties are appropriate under this article, state or federal law, or other applicable law or regulation.

Sec. 12-85. Compliance checks and inspections.

All licensed premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging, with the written consent of their parents or guardians if the person is under the age of 18, persons over the age of 17 years, but less than 21 years, to enter licensed premises to attempt to purchase THC products. Individuals used for the purpose of

compliance checks shall be supervised by city-designated law enforcement officers or other designated city personnel. No person under the age of 21 used in compliance checks shall attempt to use a false identification misrepresenting the individual's age, and all individuals under the age of 21 lawfully engaged in a compliance check shall answer all questions about the individual's age asked by the licensee or his employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this section shall prohibit compliance checks authorized by state or federal laws for educational, research or training purposes, or required for the enforcement of a particular state or federal law or other applicable law or regulation.

Sec. 12-86. Other illegal acts.

Unless otherwise provided, the following acts shall be a violation of this article:

(1) *Illegal sales.* It shall be a violation of this article for any person to sell or otherwise provide any THC product to any person under the age of 21.

Sec. 12-87. Signage and age verification required.

(1) *Signage*. At each location where THC products are sold, the licensee shall display a sign in plain view to provide public notice that selling any of THC products to any person under the age of 21 is illegal and subject to penalties. The notice shall be placed in a conspicuous location in the licensed establishment and shall be readily visible to any person who is purchasing or attempting to purchase these products. The sign shall provide notice that all persons responsible for selling these products must verify, by means of photographic identification containing the bearer's date of birth, the age of any person under 30 years of age.

(2) *Age verification.* At each location where THC products are sold, the licensee shall verify, by means of government-issued photographic identification containing the bearer's date of birth, that the purchaser or person attempting to make the purchase is at least 21 years of age. Verification is not required if the purchaser or person attempting to make the purchase is 30 years of age or older. It shall not constitute a defense to a violation of this subdivision that the person appeared to be 30 years of age or older.

Section 2. This ordinance shall take effect following its adoption and publication.

ADOPTED by the City of Spring Park this _____ day of _____, 2022.

CITY OF SPRING PARK

By: _____
Jerome Rockvam, Mayor

ATTEST:

By: _____
Jamie Hoffman, City Clerk

CITY OF SPRING PARK
COUNTY OF HENNEPIN
STATE OF MINNESOTA

ORDINANCE NO. 2022 -____

AN ORDINANCE AMENDING THE SPRING PARK CITY CODE, CHAPTER 12 – BUSINESSES, REGARDING TOBACCO AND TOBACCO-RELATED DEVICES AND PRODUCTS

THE CITY COUNCIL OF THE CITY OF SPRING PARK, MINNESOTA ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Spring Park hereby amends Chapter 12, Article II, by adding the double underlined language and deleting the ~~stricken~~ language as follows:

ARTICLE II. TOBACCO AND TOBACCO-RELATED DEVICES AND PRODUCTS[1]

DIVISION 1. GENERALLY

Sec. 12-31. Purpose and intent.

(a) *Purpose.* Because the city recognizes that many persons under the age of ~~18~~21 years purchase or otherwise obtain, possess and use tobacco, tobacco products and tobacco-related devices, and such sales, possession and use are violations of both state and federal laws; and because studies, which are on file at the state health department and which the city accepts and adopts, have shown that most smokers begin smoking before they have reached the age of ~~18~~21 years and that those persons who reach the age of ~~18~~21 years without having started smoking are significantly less likely to begin smoking; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government, this article shall be intended to regulate the sale, possession and use of tobacco, tobacco products and tobacco-related devices for the purpose of enforcing and furthering existing laws, to protect ~~minors~~young people against the serious effects associated with the illegal use of tobacco,

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[1]Editor's note(s)—Ord. No. 19-04 , § 1, adopted Sept. 16, 2019, amended art. II in its entirety to read as herein set out. Former art. II, §§ 12-31, 12-51-12-53 and 12-81—12-116, pertained to cigarettes and tobacco products, and derived from Ord. No. 67, §§ 1—14, adopted 1-20-1998.

State law reference(s)—Authority to regulate the sale, possession, and use of tobacco products, Minn. Stat. § 412.221, subd. 32; Minn. Stat. §§ 461.12—461.18 do not preempt a local ordinance that provides for more restrictive regulation of tobacco sales, Minn. Stat. § 461.19; authority to adopt more stringent regulations than those set out in Minn. Stat. § 609.685, subds. 1—3, Minn. Stat. § 609.685, subd. 4; authority to regulate the retail sale of tobacco as defined in Minn. Stat. § 609.685, subd. 1; sale of tobacco to children, Minn. Stat. § 461.12.

tobacco products and tobacco-related devices, and to further the official public policy of the state in regard to preventing young people from starting to smoke as stated in Minn. Stat. § 144.391.

(Ord. No. 19-04 , § 1, 9-16-2019)

Sec. 12-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Cigars. Any roll of tobacco that is wrapped in tobacco leaf or in any substance containing tobacco, with or without a tip or mouthpiece, that is not a cigarette as defined in Minn. Stat. § 297F.01, subd. 3 as amended from time to time.

Compliance checks. The system the city uses to investigate and ensure that those authorized to sell tobacco, tobacco products, and tobacco-related devices are following and complying with the requirements of this article. Compliance checks shall involve the use of ~~minors~~persons under the age of 21 as authorized by this article. Compliance checks shall also mean the use of ~~minors~~persons under the age of 21 who attempt to purchase tobacco, tobacco products or tobacco-related devices for educational, research and training purposes as authorized by state and federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state or local laws and regulations relating to tobacco, tobacco products and tobacco-related devices, electronic cigarettes, electronic delivery devices, and nicotine or lobella delivery devices.

Electronic delivery device and electronic cigarette. Any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption ~~that can be used by a person to simulate smoking in the delivery of nicotine or any other substance~~ through inhalation of vapor from the product. Electronic delivery devices includes, but is not limited to, devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device ~~does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose~~ excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration..

Hookah. A pipe with a long, flexible tube by which the smoke is drawn through a jar of water and thus cooled for the use of tobacco or tobacco related products.

Individually packaged. The practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this definition shall not be considered individually packaged.

Indoor area. All space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

Loosies. The common term used to refer to a single or individually packaged cigarette.

~~*Minor.* Any natural person who has not yet reached the age of 18 years.~~

Moveable place of business. Any form of business operated out of a truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

Nicotine or lobelia delivery devices. Any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco as defined in this article, not including any product that has been approved or otherwise certified for legal sale by the United States Food and Drug Administration for tobacco use cessation, harm reduction, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

Public place. Any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; retail and other commercial establishments; educational facilities; hospitals; nursing homes; auditoriums; arenas; meeting rooms; waiting rooms; and common areas of rental apartment buildings.

Retail establishment. Any place of business where tobacco, tobacco products, tobacco-related devices, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices are available for sale to the general public. Retail establishments shall include, but are not limited to, grocery stores, convenience stores and restaurants.

Sale. Any transfer of goods for money, trade, barter or other consideration.

Sampling. The lighting of tobacco, tobacco products, tobacco-related devices or the activation of and inhaling of vapor from electronic cigarettes in a retail establishment by a customer or potential customer for the purpose of sampling the product or device before a purchase.

Self-service merchandising. Open displays of tobacco, tobacco products, tobacco-related devices, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices in any manner where any person shall have access to the tobacco, tobacco products or tobacco-related devices, without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product, tobacco-related device, or nicotine or lobelia delivery device between the customer and the licensee or employee. Self-service merchandising shall not include vending machines.

Smoking. Inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product or exhaling vapor from any electronic delivery device, such as vaping. Smoking also includes carrying a lighted or heated cigar, cigarette, pipe, hookah or any other lighted or heated tobacco or plant product intended for inhalation.

Smoking lounge. A tobacco products shop which allows customers to be seated.

Tobacco or *tobacco-related products.* Tobacco and tobacco products includes cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including by vaping, or any component, part, or accessory of a tobacco product; cigars; pipe tobacco, cheroots; stogies; perique; granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; dipping tobaccos; and other kinds and forms of tobacco. Tobacco excludes ~~any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.~~ drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

Tobacco products shop. A retail establishment with an entrance door opening directly to the outside that derives more than 90 percent of its gross revenue from the sale of tobacco, tobacco related products, tobacco related devices, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices and in which the sale of other products is merely incidental. "Tobacco products shop" does not include a tobacco products department or section of any individual business establishment with any type of food, liquor, or restaurant license.

Tobacco-related devices. ~~Any tobacco product as well as a pipe, rolling papers or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing or smoking of tobacco or tobacco products.~~ Cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of aerosol or vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

Vapor lounge. A vapor products shop which allows customers to be seated.

Vapor products shop. A retail establishment with an entrance door opening directly to the outside that derives more than 90 percent of its gross revenue from the sale of electronic delivery devices, electronic cigarettes and related products and in which the sale of other products is merely incidental. "Vapor products shop" does not include a vapor products department or section of any individual business establishment with any type of food, liquor, or restaurant license.

Vending machine. Any mechanical, electric or electronic or other type of device which dispenses tobacco, tobacco products or tobacco-related devices upon the insertion of money, tokens or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco product or tobacco-related device.

(Ord. No. 19-04 , § 1, 9-16-2019)

Secs. 12-33—12-50. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT[2]

Sec. 12-51. Violations.

(a) *Notice.* Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of the right to be heard on the accusation.

(b) *Hearings.* If a person accused of violating this article so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.

(c) *Hearing officer.* The city council shall serve as the hearing officer.

(d) *Decision.* If the hearing officer determines that a violation of this article did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under section 12-52, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.

(e) *Appeals.* Appeals of any decision made by the hearing officer may be filed in the district court.

(f) *Misdemeanor prosecution.* Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any alleged violation of this article. If the city elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.

(g) *Continued violation.* Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

(Ord. No. 19-04 , § 1, 9-16-2019)

Sec. 12-52. Penalties.

(a) *Licensees.* Any licensee found to have violated this article, or whose employee shall have violated this article, shall be charged an administrative fine as determined by the city council. In addition, after the third offense, the license shall be suspended for not less than seven days.

[2]Cross reference(s)—Administration, ch. 2.

(b) *Other individuals.* Other individuals found to be in violation of this article shall be charged an administrative fee as determined by the city council.

(c) *Misdemeanor.* Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any violation of this article.

(Ord. No. 19-04 , § 1, 9-16-2019)

Sec. 12-53. Exceptions and defenses.

Nothing in this article shall prevent the providing of tobacco, tobacco products, tobacco-related devices, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices to a ~~minor~~person under the age of 21 as part of a lawfully recognized religious, spiritual or cultural ceremony. It shall be an affirmative defense to the violation of this article for a person to have reasonably relied on proof of age as described by state law.

(Ord. No. 19-04 , § 1, 9-16-2019)

Sec. 12-54. Severability

If any section or provision of this article is held invalid, such invalidity shall not affect other sections or provisions which can be given force and effect without the invalidated section or provision.

(Ord. No. 19-04 , § 1, 9-16-2019)

Secs. 12-55—12-80. Reserved.

DIVISION 3. LICENSE

Sec. 12-81. Required.

(a) *Obtaining from city.* No person shall sell or offer to sell any tobacco, tobacco products or tobacco-related devices, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery device without having obtained a license to do so from the city. All licenses issued under this section shall be valid only on the premises for which the license was issued and only for the person, to whom the license it was issued. No transfer of any license to another location or person shall be valid.

(b) *Application.* An application for a license to sell tobacco, tobacco products or tobacco-related devices, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery devices shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city deems necessary. Upon receipt of a completed application, the city administrator/clerk/treasurer shall forward the application to the city council for

action at its next regularly scheduled council meeting. If the city clerk determines that an application is incomplete, the clerk will return the application to the applicant with notice of the information necessary to make the application complete.

(c) *Action.* The council may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the council approves the license, the city clerk will issue the license to the applicant. If the council denies the license, notice of the denial will be given to the applicant along with notice of the applicant's right to appeal the council's decision.

(d) *Term.* All licenses issued under this article shall be valid for one calendar year from July 1 through the following June 30. For any license issued after July 1 in any year, the license shall be valid from the date of issue through the following June 30.

(e) *Revocation or suspension.* Any license issued under this article may be revoked or suspended. In such case, the licensee may request or hearing or appeal as provided in sections 12-51 and 12-52.

(f) *Transfers.* All licenses issued under this article shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the city council.

(g) *Moveable place of business.* No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this article.

(h) *Display.* All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

(i) *Renewals.* The renewal of a license issued under this article shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current license. The issuance of a license issued under this article shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

(j) *Smoking.* Except as allowed under Minn. Stat. § 144.414, smoking is not permitted and no person shall smoke within the indoor area of any establishment with a retail tobacco license. Smoking for the purposes of sampling tobacco and tobacco related products is prohibited.

(Ord. No. 19-04 , § 1, 9-16-2019)

Sec. 12-82. Fees.

No license shall be issued under this article until the appropriate license fee shall be paid in full. The fee for a license under this article shall be as listed on the appropriate license fee schedule.

(Ord. No. 19-04 , § 1, 9-16-2019)

Sec. 12-83. Basis for denial.

(a) Grounds for denying the issuance or renewal of a license under this article, include, but are not limited to, the following:

(1) The applicant is under the age of 18 years.

(2) The applicant has been convicted within the past five years of any violation of a federal, state or local law, ordinance provision, or other regulation relating to tobacco, tobacco products or tobacco-related devices, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices.

(3) The applicant has had a license to sell tobacco, tobacco products or tobacco-related devices, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices revoked within the preceding 12 months of the date of application.

(4) The applicant fails to provide any information required on the application, or provides false or misleading information.

(5) The applicant is prohibited by federal, state or other local law, ordinance or other regulation from holding such a license.

(b) Except as may otherwise be provided by law, the existence of any particular grounds for denial does not mean that the city must deny the license.

(c) If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this article.

(Ord. No. 19-04 , § 1, 9-16-2019)

Secs. 12-84—12-110. Reserved.

DIVISION 4. SALES RESTRICTIONS

Sec. 12-111. Prohibited sales.

(a) It shall be a violation of this article for any person to sell or offer to sell any tobacco, tobacco products tobacco-related devices, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices:

(1) To any person under the age of 18 years.

(2) By means of any type of vending machine, except as may otherwise be provided in this article.

(3) By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premises in order to receive the tobacco, tobacco products, tobacco-related device, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices and whereby there is not a

physical exchange of the tobacco, tobacco product, tobacco-related device, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices between the licensee or the licensee's employee and the customer.

(4) By means of loosies.

(5) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. It is not the intention of this provision to ban the sale of lawfully manufactured cigarettes or other tobacco products.

(6) By any other means, to any other person, or in any other manner or form prohibited by federal, state or local law, ordinance provision, or other regulation.

(b) *Smoking and sampling prohibitions.*

(1) Except for exceptions listed in Minn. Stat. § 144.4167, smoking tobacco shall be prohibited and no person shall smoke in public places and places of work, including outdoor and bar areas of restaurants. Except as provided in Minn. Stat. § 144.4167, subd. 4, tobacco sampling, including sampling of electronic delivery devices and products used in electronic delivery devices, is specifically prohibited within any indoor location in the city.

(2) To ensure that tobacco smoke or vapor electronic delivery devices does not enter public places and places of work and that persons entering such places are not exposed involuntarily to smoke or vapor, smoking and the use of electronic delivery devices are prohibited within 25 feet of entrances, exits, open windows and ventilation intakes of public places and places of work. This prohibition does not apply to entrances and exits used solely in the event of an emergency and appropriately signed for that purpose.

(c) *Smoking lounges.* Smoking lounges, hookah lounges and vapor lounges are prohibited within the city.

(Ord. No. 19-04 , § 1, 9-16-2019)

Sec. 12-112. Vending machines.

It shall be unlawful for any person licensed under this article to allow the sale of tobacco, tobacco products or tobacco-related devices by means of a vending machine unless ~~minors~~persons under the age of 21 are at all times prohibited from entering the licensed establishment.

(Ord. No. 19-04 , § 1, 9-16-2019)

State law reference(s)~~— No person shall sell tobacco products from vending machines, except in facilities that cannot be entered at any time by persons younger than 18 years of age,~~ No person shall sell tobacco products, electronic delivery devices, or nicotine or lobelia delivery products from vending machines. This subdivision does not apply to vending machines in facilities that cannot be entered at any time by persons under the age of 21 years. Minn. Stat. § 461.18, subd. 2.

Sec. 12-113. Self-service sales.

All tobacco, tobacco products, tobacco-related devices, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public.

(Ord. No. 19-04 , § 1, 9-16-2019)

Sec. 12-114. Responsibility.

All licensees under this article shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, tobacco-related devices or electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices on the licensed premises; and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the city from also subjecting the clerk to whatever penalties are appropriate under this article, state or federal law, or other applicable law or regulation.

(Ord. No. 19-04 , § 1, 9-16-2019)

Sec. 12-115. Compliance checks and inspections.

All licensed premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging, with the written consent of their parents or guardians if the person is under the age of 18, ~~minors~~persons over the age of ~~15~~17 years, but less than ~~18~~21 years, to enter licensed premises to attempt to purchase tobacco, tobacco products or tobacco-related devices, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery devices. ~~Minors~~Individuals used for the purpose of compliance checks shall be supervised by city-designated law enforcement officers or other designated city personnel. ~~Minors~~Individuals used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products or tobacco-related devices, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery devices when such items are obtained as a part of the compliance check. No ~~minor~~person under the age of 21 used in compliance checks shall attempt to use a false identification misrepresenting the ~~minor~~individual's age, and all minors lawfully engaged in a compliance check shall answer all questions about the ~~minor~~individual's age asked by the licensee or his employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this section shall prohibit compliance checks authorized by state or federal laws for educational, research or training purposes, or required for the enforcement of a particular state or federal law or other applicable law or regulation.

(Ord. No. 19-04 , § 1, 9-16-2019)

State law reference(s)~~— A licensing authority shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco is sold to test compliance with Minn. Stat. § 609.685. Compliance checks must involve minors over the age of 15, but under the age of 18, who, with the prior written consent of a parent or guardian, attempt to~~

~~purchase tobacco under the direct supervision of a law enforcement officer or an employee of the licensing authority~~, A licensing authority shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold to test compliance with sections 609.685 and 609.6855. Compliance checks conducted under this subdivision must involve persons at least 17 years of age, but under the age of 21, who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products under the direct supervision of a law enforcement officer or an employee of the licensing authority. The age requirements for persons participating in compliance checks under this subdivision shall not affect the age requirements in federal law for persons participating in federally required compliance checks of these locations. Minn. Stat. § 461.12, subd. 5.

Sec. 12-116. Other illegal acts.

Unless otherwise provided, the following acts shall be a violation of this article:

(1) *Illegal sales.* It shall be a violation of this article for any person to sell or otherwise provide any tobacco, tobacco product or tobacco-related device, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery devices to any ~~minor~~person under the age of 21.

(2) *Illegal possession.* It shall be a violation of this article for any ~~minor~~person under the age of 21 to have in his or her possession any tobacco, tobacco product or tobacco-related device, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery devices. This subsection shall not apply to ~~minors~~persons under the age of 21 lawfully involved in a compliance check. This subsection shall not apply to licensees or licensee's employees who are under the age of 21 when handling any tobacco, tobacco product, or tobacco related device, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery devices as part of a sale to a person who is at least 21 years of age.

(3) *Illegal use.* It shall be a violation of this article for any ~~minor~~individual under the age of 21 to smoke, chew, sniff or otherwise use any tobacco, tobacco product or tobacco-related device, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery devices.

(4) *Illegal procurement.* It shall be a violation of this article for any ~~minor~~person under the age of 21 to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product or tobacco-related device, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery devices; and it shall be a violation of this article for any person to purchase or otherwise obtain such items on behalf of a ~~minor~~person under the age of 21. It shall further be a violation for any person to coerce or attempt to coerce a ~~minor~~person under the age of 21 to illegally purchase or otherwise obtain or use any tobacco, tobacco product or tobacco-related device, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery devices. This subsection shall not apply to ~~minors~~persons under the age of 21 lawfully involved in a compliance check.

(5) *Use of false identification.* It shall be a violation of this article for any ~~minor~~person under the age of 21 to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

(Ord. No. 19-04 , § 1, 9-16-2019)

Sec. 12-117. Signage and age verification required.

(1) *Signage*. At each location where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold, the licensee shall display a sign in plain view to provide public notice that selling any of these products to any person under the age of 21 is illegal and subject to penalties. The notice shall be placed in a conspicuous location in the licensed establishment and shall be readily visible to any person who is purchasing or attempting to purchase these products. The sign shall provide notice that all persons responsible for selling these products must verify, by means of photographic identification containing the bearer's date of birth, the age of any person under 30 years of age.

(2) *Age verification.* At each location where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold, the licensee shall verify, by means of government-issued photographic identification containing the bearer's date of birth, that the purchaser or person attempting to make the purchase is at least 21 years of age. Verification is not required if the purchaser or person attempting to make the purchase is 30 years of age or older. It shall not constitute a defense to a violation of this subdivision that the person appeared to be 30 years of age or older.

Secs. 12-118—12-130. Reserved.

Section 2. This ordinance shall take effect following its adoption and publication.

ADOPTED by the City of Spring Park this _____ day of _____, 2022.

CITY OF SPRING PARK

By: _____
Jerome Rockvam, Mayor

ATTEST:

By: _____
Jamie Hoffman, City Clerk

CITY OF SPRING PARK
COUNTY OF HENNEPIN
STATE OF MINNESOTA

ORDINANCE NO. 2022 -_____

AN ORDINANCE AMENDING THE SPRING PARK CITY CODE, CHAPTER 12 – BUSINESSES, ~~REGARDING TOBACCO AND TOBACCO-RELATED DEVICES AND~~BY ADDING ARTICLE V. THC PRODUCTS, ESTABLISHING LICENSING FOR THE SALE OF THC PRODUCTS REGULATED BY MINNESOTA STATUTES, SECTION 151.72

THE CITY COUNCIL OF THE CITY OF SPRING PARK, MINNESOTA ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Spring Park hereby amends Chapter 12~~, Article II,~~ by adding ~~the double underlined language and deleting the stricken language~~a new Article V. THC Products as follows:

ARTICLE ~~H~~V. ~~TOBACCO AND TOBACCO-RELATED DEVICES AND~~THC PRODUCTS[1]

//

DIVISION 1. GENERALLY

Sec. 12-~~31~~50. Purpose and intent.

~~(a) *Purpose.* Because the city recognizes that many persons under the age of 18~~21 ~~years purchase or otherwise obtain, possess and use tobacco, tobacco products and tobacco-related devices, and such sales, possession and use are violations of both state and federal laws; and because studies, which are on file at the state health department and which the city accepts and adopts, have shown that most smokers begin smoking before they have reached the age of 18~~21 ~~years and that those persons who reach the age of 18~~21 ~~years without having started smoking are significantly less likely to begin smoking; and because smoking has been shown to be the cause of several serious health problems which subsequently place a~~

~~[1]Editor's note(s)— Ord. No. 19-04 , § 1, adopted Sept. 16, 2019, amended art. II in its entirety to read as herein set out. Former art. II, §§ 12-31, 12-51-12-53 and 12-81—12-116, pertained to cigarettes and tobacco products, and derived from Ord. No. 67, §§ 1—14, adopted 1-20-1998.~~

~~State law reference(s)— Authority to regulate the sale, possession, and use of tobacco products, Minn. Stat. § 412.221, subd. 32; Minn. Stat. §§ 461.12—461.18 do not preempt a local ordinance that provides for more restrictive regulation of tobacco sales, Minn. Stat. § 461.19; authority to adopt more stringent regulations than those set out in Minn. Stat. § 609.685, subds. 1—3, Minn. Stat. § 609.685, subd. 4; authority to regulate the retail sale of tobacco as defined in Minn. Stat. § 609.685, subd. 1; sale of tobacco to children, Minn. Stat. § 461.12.~~

~~financial burden on all levels of government, this article shall be intended to regulate the sale, possession and use of tobacco, tobacco products and tobacco-related devices for the purpose of enforcing and furthering existing laws, to protect minorsyoung people against the serious effects associated with the illegal use of tobacco, tobacco products and tobacco-related devices, and to further the official public policy of the state in regard to preventing young people from starting to smoke as stated in Minn. Stat. § 144.391.~~

~~(Ord. No. 19-04 , § 1, 9-16-2019)~~

(a) *Purpose.* The purpose of this section is to regulate the sale of any product that contains tetrahydrocannabinol ("THC") and meets the requirements to be sold for human or animal consumption under Minnesota Statutes, section 151.72 ("THC products") for the following reasons:

(1) The city recognizes that, based on the most reliable and up-to-date scientific evidence, the introduction of legalized THC products presents a potential threat to the public health, safety, and welfare of the residents of Spring Park.

(2) The city has the opportunity to be proactive and make decisions that will mitigate this threat, reduce exposure of young people to THC products, curtail the marketing of THC products to young people, and improve retailer compliance with existing laws related to THC products.

(3) A local regulatory system for retailers of THC products is appropriate to ensure that such retailers comply with laws and business standards of the city of Spring Park to protect the health, safety, and welfare of our youth and other vulnerable residents.

(4) Minnesota Statutes, section 151.72 requires THC product retailers to check the identification of purchasers to verify that they are at least 21 years of age, comply with certain packaging and labeling requirements to protect children and youth, and meet certain potency and serving size requirements.

(5) State law further authorizes the Minnesota Board of Pharmacy to adopt product and testing standards in part to curb the illegal sale and distribution of THC products and to ensure the safety and compliance of commercially available THC products in the State of Minnesota.

(6) State law does not preempt municipalities from adopting and enforcing local ordinances to regulate retailers of THC products, including, but not limited to, business licensing requirements.

(7) Establishing licensing requirements for retailers that desire to sell THC products will not unduly burden legitimate business activities of such retailers who sell or distribute THC products to adults but will allow the city to effectively regulate the operation of lawful businesses and discourage violations of THC product-related laws.

In making these findings and enacting this section, it is the intent of the city to facilitate responsible retail activities associated with THC products by allowing legal sale and access without promoting increases in use, and to discourage violations of THC product-related laws, especially those which prohibit or discourage the marketing, sale or distribution of THC products to underage persons, as defined herein.

Sec. 12-~~32~~51. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

~~*Cigars.* Any roll of tobacco that is wrapped in tobacco leaf or in any substance containing tobacco, with or without a tip or mouthpiece, that is not a cigarette as defined in Minn. Stat. § 297F.01, subd. 3 as amended from time to time.~~

Compliance checks. The system the city uses to investigate and ensure that those authorized to sell ~~tobacco, tobacco~~THC products~~, and tobacco-related devices~~ are following and complying with the requirements of this article. Compliance checks shall involve the use of ~~minorspersons~~persons under the age of 21 as authorized by this article. Compliance checks shall also mean the use of ~~minorspersons~~persons under the age of 21 who attempt to ~~purchase tobacco, tobacco~~THC products ~~or tobacco-related devices~~ for educational, research and training purposes as authorized by state and federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state or local laws and regulations relating to ~~tobacco, tobacco~~THC products ~~and tobacco-related devices, electronic cigarettes, electronic delivery devices, and nicotine or lobella delivery devices~~.

~~*Electronic delivery device and electronic cigarette.* Any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery devices includes, but is not limited to, devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.~~.

~~*Hookah.* A pipe with a long, flexible tube by which the smoke is drawn through a jar of water and thus cooled for the use of tobacco or tobacco related products.~~

~~*Individually packaged.* The practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this definition shall not be considered individually packaged.~~

~~*Indoor area.* All space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.~~

~~*Loosies.* The common term used to refer to a single or individually packaged cigarette.~~

~~*Minor.* Any natural person who has not yet reached the age of 18 years.~~

Exclusive Liquor Store. An establishment that meets the definition of exclusive liquor store in Minnesota Statutes, section 340A.101, as it may be amended from time to time.

Moveable place of business. Any form of business operated out of a truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

~~*Nicotine or lobelia delivery devices.* Any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco as defined in this article, not including any product that has been approved or otherwise certified for legal sale by the United States Food and Drug Administration for tobacco use cessation, harm reduction, or for other medical purposes, and is being marketed and sold solely for that approved purpose.~~

~~*Public place.* Any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; retail and other commercial establishments; educational facilities; hospitals; nursing homes; auditoriums; arenas; meeting rooms; waiting rooms; and common areas of rental apartment buildings.~~

Retail establishment. Any place of business where ~~tobacco, tobacco~~THC products~~, tobacco-related devices, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices~~ are available for sale to the general public. Retail establishments shall include, but are not limited to, grocery stores, convenience stores, breweries, and restaurants.

Sale. Any transfer of goods for money, trade, barter or other consideration, including giving goods away for free, whether alone or in conjunction with other goods or products.

Sampling. The ~~lighting of tobacco, tobacco products, tobacco-related devices or the activation of and inhaling of vapor from electronic cigarettes~~use or consumption of any THC product in a retail establishment by a customer or potential customer for the purpose of sampling the product ~~or device~~ before a purchase.

Self-service merchandising. Open displays of ~~tobacco, tobacco~~THC products~~, tobacco-related devices, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices~~ in any manner where any person shall have access to the ~~tobacco, tobacco~~THC products ~~or tobacco-related devices,~~ without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention shall entail the actual physical exchange of the ~~tobacco, tobacco~~THC product~~, tobacco-related device, or nicotine or lobelia delivery device~~ between the customer and the licensee or employee. ~~Self-service merchandising shall not include vending machines.~~

~~*Smoking.* Inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product or exhaling vapor from any electronic delivery device, such as vaping. Smoking also includes carrying a lighted or heated cigar, cigarette, pipe, hookah or any other lighted or heated tobacco or plant product intended for inhalation.~~

~~*Smoking lounge.* A tobacco products shop which allows customers to be seated.~~

~~*Tobacco or tobacco-related products.* Tobacco and tobacco products includes cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption,~~

whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including by vaping, or any component, part, or accessory of a tobacco product; cigars; pipe tobacco, cheroots; stogies; perique; granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; dipping tobaccos; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

Tobacco products shop. A retail establishment with an entrance door opening directly to the outside that derives more than 90 percent of its gross revenue from the sale of tobacco, tobacco related products, tobacco related devices, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices and in which the sale of other products is merely incidental. "Tobacco products shop" does not include a tobacco products department or section of any individual business establishment with any type of food, liquor, or restaurant license.

Tobacco-related devices. Any tobacco product as well as a pipe, rolling papers or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing or smoking of tobacco or tobacco products. Cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of aerosol or vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

Vapor lounge. A vapor products shop which allows customers to be seated.

Vapor products shop. A retail establishment with an entrance door opening directly to the outside that derives more than 90 percent of its gross revenue from the sale of electronic delivery devices, electronic cigarettes and related products and in which the sale of other products is merely incidental. "Vapor products shop" does not include a vapor products department or section of any individual business establishment with any type of food, liquor, or restaurant license.

THC Product. Any product that contains tetrahydrocannabinol and that meets the requirements to be sold for human or animal consumption under Minnesota Statutes, section 151.72.

Vending machine. Any mechanical, electric or electronic or other type of device which dispenses tobacco, tobaccoTHC products or tobacco-related devices upon the insertion of money, tokens or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobaccoTHC product or tobacco-related device.

(Ord. No. 19-04 , § 1, 9-16-2019)

Secs. 12-3353—12-5060. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT[2]

Sec. 12-~~51~~61. Violations.

(a) *Notice.* Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of the right to be heard on the accusation.

(b) *Hearings.* If a person accused of violating this article so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.

(c) *Hearing officer.* The city council shall serve as the hearing officer.

(d) *Decision.* If the hearing officer determines that a violation of this article did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under section 12-~~52~~62, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.

(e) *Appeals.* Appeals of any decision made by the hearing officer may be filed in the district court.

(f) *Misdemeanor prosecution.* Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any alleged violation of this article. If the city elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.

(g) *Continued violation.* Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

~~(Ord. No. 19-04 , § 1, 9-16-2019)~~

Sec. 12-~~52~~62. Penalties.

(a) *Licensees.* Any licensee found to have violated this article, or whose employee shall have violated this article, shall be charged an administrative fine as determined by the city council. In addition, after the third offense, the license shall be suspended for not less than seven days.

(b) *Other individuals.* Other individuals found to be in violation of this article shall be charged an administrative fee as determined by the city council.

[2]~~Cross reference(s)—Administration, ch. 2.~~

(c) *Misdemeanor.* Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any violation of this article.

~~(Ord. No. 19-04 , § 1, 9-16-2019)~~

Sec. 12-~~53~~63. Exceptions and defenses.

Nothing in this article shall prevent the providing of ~~tobacco, tobacco~~THC products~~, tobacco-related devices, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices~~ to a ~~minor~~person under the age of 21 as part of a lawfully recognized religious, spiritual or cultural ceremony. It shall be an affirmative defense to the violation of this article for a person to have reasonably relied on proof of age as described by state law.

~~(Ord. No. 19-04 , § 1, 9-16-2019)~~

Sec. 12-~~54~~64. Severability

If any section or provision of this article is held invalid, such invalidity shall not affect other sections or provisions which can be given force and effect without the invalidated section or provision.

~~(Ord. No. 19-04 , § 1, 9-16-2019)~~

Secs. 12-~~55~~65—12-~~80~~70. Reserved.

DIVISION 3. LICENSE

Sec. 12-~~81~~71. Required.

(a) *Obtaining from city.* No person shall sell or offer to sell any ~~tobacco, tobacco products or tobacco-related devices, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery device~~THC product without having obtained a license to do so from the city. All licenses issued under this section shall be valid only on the premises for which the license was issued and only for the person, to whom the license it was issued. No transfer of any license to another location or person shall be valid.

(b) *Application.* An application for a license to sell ~~tobacco, tobacco~~THC products ~~or tobacco-related devices, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery devices~~ shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city deems necessary. Upon receipt of a completed application, the city administrator/clerk/treasurer shall forward the application to the city council for action at its next regularly scheduled council meeting. If the city clerk determines that an application is incomplete, the clerk will return the application to the applicant with notice of the information necessary to make the application complete.

(c) *Action.* The council may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the council approves the license, the city clerk will issue the license to the applicant. If the council denies the license, notice of the denial will be given to the applicant along with notice of the applicant's right to appeal the council's decision.

(d) *Term.* All licenses issued under this article shall be valid for one calendar year from July 1 through the following June 30. For any license issued after July 1 in any year, the license shall be valid from the date of issue through the following June 30.

(e) *Revocation or suspension.* Any license issued under this article may be revoked or suspended. In such case, the licensee may request or hearing or appeal as provided in sections 12-~~51~~61 and 12-~~52~~62.

(f) *Transfers.* All licenses issued under this article shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the city council.

(g) *Moveable place of business.* No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this article.

(h) *Display.* All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

(i) *Renewals.* The renewal of a license issued under this article shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current license. The issuance of a license issued under this article shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

~~(j) *Smoking.* Except as allowed under Minn. Stat. § 144.414, smoking is not permitted and no person shall smoke within the indoor area of any establishment with a retail tobacco license. Smoking for the purposes of sampling tobacco and tobacco related products is prohibited.~~

~~(Ord. No. 19-04 , § 1, 9-16-2019)~~

Sec. 12-~~82~~72. Fees.

No license shall be issued under this article until the appropriate license fee shall be paid in full. The fee for a license under this article shall be as listed on the appropriate license fee schedule.

~~(Ord. No. 19-04 , § 1, 9-16-2019)~~

Sec. 12-~~83~~73. Basis for denial.

(a) Grounds for denying the issuance or renewal of a license under this article, include, but are not limited to, the following:

(1) The applicant is under the age of ~~18~~21 years.

(2) The applicant has been convicted within the past five years of any violation of a federal, state or local law, ordinance provision, or other regulation relating to ~~tobacco, tobacco~~THC products ~~or tobacco-related devices, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices~~.

(3) The applicant has had a license to sell ~~tobacco, tobacco~~THC products ~~or tobacco-related devices, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices~~ revoked within the preceding 12 months of the date of application.

(4) The applicant fails to provide any information required on the application, or provides false or misleading information.

(5) The applicant is prohibited by federal, state or other local law, ordinance or other regulation from holding such a license.

(6) The applicant is an exclusive liquor store.

(b) Except as may otherwise be provided by law, the existence of any particular grounds for denial does not mean that the city must deny the license.

(c) If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this article.

~~(Ord. No. 19-04 , § 1, 9-16-2019)~~

Secs. 12-~~84~~74—12-~~110~~80. Reserved.

DIVISION 4. SALES RESTRICTIONS

Sec. 12-~~111~~81. Prohibited sales.

(a) It shall be a violation of this article for any person to sell or offer to sell any ~~tobacco, tobacco~~THC products ~~tobacco-related devices, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices~~:

(1) To any person under the age of ~~18~~21 years.

(2) By means of any type of vending machine~~, except as may otherwise be provided in this article~~.

(3) By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premises in order to receive the ~~tobacco, tobacco products, tobacco-related device, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices~~THC product and whereby there is not a physical exchange of the ~~tobacco, tobacco~~THC product~~, tobacco-related device, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices~~ between the licensee or the licensee's employee and the customer.

(4) By means of ~~loosies~~providing samples of any THC product free of charge or at a nominal cost.

~~(5) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. It is not the intention of this provision to ban the sale of lawfully manufactured cigarettes or other tobacco products.~~

(~~6~~5) By any other means, to any other person, or in any other manner or form prohibited by federal, state or local law, ordinance provision, or other regulation.

~~(b) *Smoking and sampling prohibitions.*~~

~~(1) Except for exceptions listed in Minn. Stat. § 144.4167, smoking tobacco shall be prohibited and no person shall smoke in public places and places of work, including outdoor and bar areas of restaurants. Except as provided in Minn. Stat. § 144.4167, subd. 4, tobacco sampling, including sampling of electronic delivery devices and products used in electronic delivery devices, is specifically prohibited within any indoor location in the city.~~

~~(2) To ensure that tobacco smoke or vapor electronic delivery devices does not enter public places and places of work and that persons entering such places are not exposed involuntarily to smoke or vapor, smoking and the use of electronic delivery devices are prohibited within 25 feet of entrances, exits, open windows and ventilation intakes of public places and places of work. This prohibition does not apply to entrances and exits used solely in the event of an emergency and appropriately signed for that purpose.~~

~~(c) *Smoking lounges.* Smoking lounges, hookah lounges and vapor lounges are prohibited within the city.~~

~~(Ord. No. 19-04 , § 1, 9-16-2019)~~

Sec. 12-~~112~~82. Vending machines.

It shall be unlawful for any person licensed under this article to allow the sale of ~~tobacco, tobacco~~THC products ~~or tobacco-related devices~~ by means of a vending machine ~~unless minors~~persons under the age of 21 ~~are at all times prohibited from entering the licensed establishment.~~

~~(Ord. No. 19-04 , § 1, 9-16-2019)~~

~~State law reference(s) No person shall sell tobacco products from vending machines, except in facilities that cannot be entered at any time by persons younger than 18 years of age, No person shall sell tobacco products, electronic delivery devices, or nicotine or lobelia delivery products from vending machines. This subdivision does not apply to vending machines in facilities that cannot be entered at any time by persons under the age of 21 years. Minn. Stat. § 461.18, subd. 2~~.

Sec. 12-~~113~~83. Self-service sales.

All ~~tobacco, tobacco~~THC products~~, tobacco-related devices, electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices~~ shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public.

~~(Ord. No. 19-04 , § 1, 9-16-2019)~~

Sec. 12-~~114~~84. Responsibility.

All licensees under this article shall be responsible for the actions of their employees in regard to the sale of ~~tobacco, tobacco~~THC products~~, tobacco-related devices or electronic cigarettes, electronic delivery devices or nicotine or lobelia delivery devices~~ on the licensed premises; and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the city from also subjecting the clerk to whatever penalties are appropriate under this article, state or federal law, or other applicable law or regulation.

~~(Ord. No. 19-04 , § 1, 9-16-2019)~~

Sec. 12-~~115~~85. Compliance checks and inspections.

All licensed premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging, with the written consent of their parents or guardians if the person is under the age of 18, ~~minors~~~~persons~~persons over the age of ~~15~~~~17~~17 years, but less than ~~18~~~~21~~21 years, to enter licensed premises to attempt to purchase ~~tobacco, tobacco~~THC products~~ or tobacco-related devices, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery devices. Minors~~~~Individuals~~. Individuals used for the purpose of compliance checks shall be supervised by city-designated law enforcement officers or other designated city personnel. ~~Minors~~~~Individuals used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products or tobacco-related devices, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery devices when such items are obtained as a part of the compliance check. No minor~~~~person~~No person under the age of 21 used in compliance checks shall attempt to use a false identification misrepresenting the ~~minor~~~~individual~~individual's age, and all ~~minors~~individuals under the age of 21 lawfully engaged in a compliance check shall answer all questions about the ~~minor~~~~individual~~individual's age asked by the licensee or his employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this section shall prohibit compliance checks authorized by state or federal laws for educational, research or training purposes, or required for the enforcement of a particular state or federal law or other applicable law or regulation.

~~(Ord. No. 19-04 , § 1, 9-16-2019)~~

State law reference(s)—A licensing authority shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco is sold to test compliance with Minn. Stat. § 609.685. Compliance checks must involve minors over the age of 15, but under the age of 18, who, with the prior written consent of a parent or guardian, attempt to purchase tobacco under the direct supervision of a law enforcement officer or an employee of the licensing authority, A licensing authority shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold to test compliance with sections 609.685 and 609.6855. Compliance checks conducted under this subdivision must involve persons at least 17 years of age, but under the age of 21, who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products under the direct supervision of a law enforcement officer or an employee of the licensing authority. The age requirements for persons participating in compliance checks under this subdivision shall not affect the age requirements in federal law for persons participating in federally required compliance checks of these locations. Minn. Stat. § 461.12, subd. 5.

Sec. 12-116<u>86</u>. Other illegal acts.

Unless otherwise provided, the following acts shall be a violation of this article:

(1) *Illegal sales.* It shall be a violation of this article for any person to sell or otherwise provide any tobacco, tobacco<u>THC</u> product or tobacco-related device, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery devices to any minor<u>person</u> under the age of 21.

(2) *Illegal possession.* It shall be a violation of this article for any minor<u>person under the age of 21</u> to have in his or her possession any tobacco, tobacco product or tobacco-related device, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery devices. This subsection shall not apply to minors<u>persons under the age of 21</u> lawfully involved in a compliance check. This subsection shall not apply to licensees or licensee's employees who are under the age of 21 when handling any tobacco, tobacco product, or tobacco related device, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery devices as part of a sale to a person who is at least 21 years of age.

(3) *Illegal use.* It shall be a violation of this article for any minor<u>individual under the age of 21</u> to smoke, chew, sniff or otherwise use any tobacco, tobacco product or tobacco-related device, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery devices.

(4) *Illegal procurement.* It shall be a violation of this article for any minor<u>person under the age of 21</u> to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product or tobacco-related device, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery devices; and it shall be a violation of this article for any person to purchase or otherwise obtain such items on behalf of a minor<u>person under the age of 21</u>. It shall further be a violation for any person to coerce or attempt to coerce a minor<u>person under the age of 21</u> to illegally purchase or otherwise obtain or use any

~~tobacco, tobacco product or tobacco-related device, electronic cigarettes, electronic delivery devices, or nicotine or lobelia delivery devices. This subsection shall not apply to minorspersons under the age of 21 lawfully involved in a compliance check.~~

~~(5) *Use of false identification.* It shall be a violation of this article for any minorperson under the age of 21 to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.~~

~~(Ord. No. 19-04 , § 1, 9-16-2019)~~

Sec. 12-~~117~~87. Signage and age verification required.

(1) *Signage.* At each location where ~~tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery~~THC products are sold, the licensee shall display a sign in plain view to provide public notice that selling any of ~~these~~THC products to any person under the age of 21 is illegal and subject to penalties. The notice shall be placed in a conspicuous location in the licensed establishment and shall be readily visible to any person who is purchasing or attempting to purchase these products. The sign shall provide notice that all persons responsible for selling these products must verify, by means of photographic identification containing the bearer's date of birth, the age of any person under 30 years of age.

(2) *Age verification.* At each location where ~~tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery~~THC products are sold, the licensee shall verify, by means of government-issued photographic identification containing the bearer's date of birth, that the purchaser or person attempting to make the purchase is at least 21 years of age. Verification is not required if the purchaser or person attempting to make the purchase is 30 years of age or older. It shall not constitute a defense to a violation of this subdivision that the person appeared to be 30 years of age or older.

~~Secs. 12-118—12-130. Reserved.~~

Section 2. This ordinance shall take effect following its adoption and publication.

ADOPTED by the City of Spring Park this _____ day of _____, 2022.

CITY OF SPRING PARK

By: _____
Jerome Rockvam, Mayor

ATTEST:

By: _____
Jamie Hoffman, City Clerk

Document comparison by Workshare 10.0 on Thursday, November 3, 2022 9:42:30 AM

Input:	
Document 1 ID	PowerDocs://DOCSOPEN/836543/1
Description	DOCSOPEN-#836543-v1-Amendments_to_Tobacco_Ordinance
Document 2 ID	PowerDocs://DOCSOPEN/836560/1
Description	DOCSOPEN-#836560-v1-THC_Licensing_Ordinance
Rendering set	Standard

Legend:	
Insertion	
~~Deletion~~	
~~Moved from~~	
Moved to	
Style change	
Format change	
~~Moved deletion~~	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	142
Deletions	187
Moved from	2
Moved to	2
Style change	0
Format changed	0
Total changes	333

CITY OF SPRING PARK
COUNTY OF HENNEPIN
STATE OF MINNESOTA

ORDINANCE NO. 2022 -_____

AN ORDINANCE AMENDING THE SPRING PARK CITY CODE, CHAPTER 13 – PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS, RELATING TO MOBILE FOOD UNITS

THE CITY COUNCIL OF THE CITY OF SPRING PARK, MINNESOTA ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Spring Park hereby amends Chapter 13, Article 2, Section 13-34 by adding the following double underlined language:

Sec. 13-34. - Duration.

All licenses issued under this chapter shall be valid only during the time period indicated on the license up to a maximum of 14 days per calendar year. The city council at its sole discretion may grant an extension for up to 45 additional days per calendar year upon application for an extension.

Licenses for mobile food units are issued per calendar year and do not have a maximum annual number of operating days. However, in no case shall an individual mobile food unit operate for more than 21 consecutive days. <u>The city council at its sole discretion may grant an exception to the consecutive-day limitation for mobile food units that operate at a single restaurant, tavern, taproom or other food service site.</u>

Section 2. This ordinance shall take effect following its adoption and publication.

ADOPTED by the City of Spring Park this _____ day of _____, 2022.

CITY OF SPRING PARK

By: _____
Jerome Rockvam, Mayor

ATTEST:

By: _____
Jamie Hoffman, City Clerk

CITY OF SPRING PARK
COUNTY OF HENNEPIN
SPRING PARK, MINNESOTA

ORDINANCE NO. 2022 – _____

AN ORDINANCE AMENDING CHAPTER 18 ENVIRONMENT, ARTICLE IV NUISANCES, SECTION 18-181 (DEFINITIONS) PERTAINING TO THE DEFINITION OF HOOP HOUSE SPRING PARK CITY CODE

THE CITY COUNCIL OF THE CITY OF SPRING PARK, MINNESOTA
ORDAINS AS FOLLOWS:

Section 1. Section 18-181 (Definitions) of Article IV (Nuisances) of Chapter 18 (Environment) is hereby amended to delete the strikeouts and add the underlined language to read as follows:

~~*Hoop housing. A tunnel made of polyethylene, usually semi-circular, square or elongated in shape.*~~

Hoop house / building. a structure that is typically characterized by a half-round "hoop" shape, a rounded, gently bending structure attached to a frame. The frame most commonly made of a variety of materials which are including but not limited to metal, plastic, pipe (such as steel or PVC), wire or wood and covered with a variety of materials such as fabric, canvas, plastic, plexiglass, or polyethylene exterior material.

Section 5. Effective Date. This ordinance shall be in full force and effective immediately upon its passage and publication.

ADOPTED by the City Council of Spring Park this _____ day of _____, 2022.

CITY OF SPRING PARK

By: _____
Jerry Rockvam, Mayor

ATTEST:

By: _____
Jamie Hoffman, City Clerk