

**LAW ENFORCEMENT CONTRACT**

THIS CONTRACT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by and between the County of Anoka, a political subdivision of the State of Minnesota, and the Anoka County Sheriff, hereinafter referred to as the "County," and the City of Columbus, Minnesota, 16319 Kettle River Boulevard Northeast, Forest Lake, Minnesota 55025, hereinafter referred to as the "Municipality", for the period of January 1, 2023, through December 31, 2023, hereinafter referred to as the "Contract Term".

**WITNESSETH:**

WHEREAS, the Municipality is desirous of entering into a contract with the County, through the Office of the Anoka County Sheriff (hereinafter Sheriff), for the performance of the law enforcement functions hereinafter described within the corporate limits of said Municipality; and

WHEREAS, the County is agreeable to rendering such services and law enforcement functions on the terms and conditions hereinafter set forth; and

WHEREAS, such contracts are authorized and provided for by Minn. Stat. §§ 471.59 and 436.05.

NOW, THEREFORE, pursuant to the terms of the aforesaid statutes, and in consideration of the mutual covenants expressed herein, it is agreed as follows:

**I. PURPOSE**

The County, through its Sheriff, agrees to provide police protection within the corporate limits of the Municipality to the extent and in the manner as hereinafter set forth.

**II. SERVICES TO BE PROVIDED BY THE COUNTY**

A. Except as otherwise hereinafter specifically set forth, such services shall encompass the duties and functions of the type normally coming within the jurisdiction of the Sheriff pursuant to Minnesota Law, and, in addition, the Sheriff and his duly assigned deputies

shall, within the Municipality's corporate limits, exercise all the police powers and duties of city police officers as provided by Minn. Stat. § 436.05.

B. The rendition of services, the standard of performance, the discipline of the deputies, and other matters incident to the performance of such services and the control of personnel so employed, shall remain in and under the sole control of the Sheriff.

C. Such services shall include the enforcement of Minnesota State Statutes and the municipal ordinances of the Municipality.

D. Except as otherwise noted, the Sheriff's Office maintains control, and autonomy with respect to the methods, times, means and personnel to be used in furnishing services to the Municipality under this Contract.

E. The County shall furnish and supply all necessary labor, supervision, equipment, and communication facilities for dispatching, jail detention (including the cost of such detention), and daily patrol service as specified in Paragraph II.F. and Attachment A of this Contract, and shall be responsible for the direct payment of any salaries, wages, or other compensation to any County personnel performing services pursuant to this Contract. All County property and equipment used in rendering services under this agreement is, and shall remain, County property.

F. The County agrees to provide law enforcement protection as follows: During the Contract Term, the Sheriff will provide 12 hours per day of daily patrol service. The costs associated with the patrol service are set forth in Attachment A and section IV of the Agreement. Patrol service shall be exercised through the employment of assigned patrol cars supplied, equipped, and maintained by the County, and staffed by the Sheriff's deputies. The Sheriff shall determine the time of day and how patrol service shall be provided, and may periodically change the patrol schedule in order to maximize the effectiveness of the coverage. Daily patrol service will provide and fulfill those services and duties ordinarily provided and fulfilled by city police officers as provided by state law and municipal ordinances. Notwithstanding the number of hours of patrol services listed in this agreement, the County agrees to provide additional law enforcement services and emergency assistance, as the demand arises and resources allow, at no additional cost to the Municipality.

G. The County patrol cars used for providing the services pursuant to this Contract shall be stored on premises owned by the Municipality. In the event that a suitable and secure storage location is not provided, in the determination of the Sheriff, the patrol cars will be returned to the Sheriff's Office at the end of each shift.

H. The patrol duties shall be conducted out of office space to be located at a suitable location in the Municipality which is sufficient to provide for the clerical needs of the assigned deputies. In the event that a suitable location is not provided, the deputies shall work out of the Sheriff's Office.

### **III. DUTIES OF MUNICIPALITY**

A. It is agreed that the Sheriff shall have all reasonable and necessary cooperation and assistance from the Municipality, its officers, agents, and employees, so as to facilitate the performance of this Contract.

B. This Contract shall not alter the responsibility for prosecution of offenses occurring within the Municipality as is currently provided by law. Likewise, collection and distribution of fine monies and any proceeds from forfeited property resulting from violations occurring in the Municipality shall be controlled in the manner provided by law.

### **IV. COMPENSATION/TERM**

The Municipality hereby agrees to pay to the County the sum of Four Hundred Twenty-Eight Thousand Four Hundred Ninety-Six Dollars and 00/100s (\$428,496.00) for the contract term for law enforcement protection consisting of 12 hours of coverage per day of patrol services as outlined in Attachment A and twenty-four (24) hour call and general services during the term of this Contract. The contract sum is payable in four (4) equal quarterly installments due on March 31, June 30, September 30, and December 31 of the Contract Term.

The County agrees that the Municipality will receive a credit against its contract price obligation as a result of anticipated Police State Aide. The amount of the credit will be determined by the amount of money received per sworn officer from the State of Minnesota times the number of sworn officers charged for to service this Contract.

### **V. RENEWAL/AUTOMATIC RENEWAL**

This Contract may be renewed for a successive period of one (1) year. Said renewal shall be accomplished in the following manner:

A. Not later than one hundred fifty (150) days prior to the expiration of the current Contract, the County, through its Sheriff, shall notify the Municipality in writing of its intention to renew. Said notification shall include notice of any increase in total contract cost.

B. Not later than ninety (90) days prior to the expiration of the current Contract, the Municipality shall notify the Sheriff in writing if the Municipality does not wish to renew a Contract for a successive one year term. If the Municipality fails to notify the County in writing that it does not intend to renew the Contract, the Contract shall automatically renew for another one-year period under the terms of this Contract and any increase in costs provided to the Municipality under the notice requirement of section V.A. of this Contract.

## **VI. COLLABORATION**

The County, through its Sheriff or his designee(s), agrees to meet as needed with the governing council of the Municipality. The purpose of said meetings shall be for the Municipality to provide feedback to the County and for the parties to confer and discuss potential improvements in the implementation of services under this Contract. The Sheriff shall make reasonable efforts to consider the Municipality's concerns or requests. The time and place of these meetings shall be determined by the Municipality with reasonable notice to the Sheriff.

## **VII. DISBURSEMENT OF FUNDS**

All funds disbursed by the County or the Municipality pursuant to this Contract shall be disbursed by each entity pursuant to the method provided by law.

## **VIII. STRICT ACCOUNTABILITY**

A strict accounting shall be made of all funds, and reports of all receipts and disbursements shall be made upon request by either party.

## **IX. AFFIRMATIVE ACTION**

In accordance with Anoka County's Affirmative Action Policy and the County Commissioners' policies against discrimination, no person shall illegally be excluded from full-time employment rights in, be denied the benefits of, or be otherwise subjected to discrimination in the program which is the subject of this Contract on the basis of race, creed, color, sex, sexual orientation, marital status, public assistance status, age, disability, or national origin.

**X. INDEMNIFICATION**

The Municipality and the County mutually agree to indemnify and hold harmless each other from any claims, losses, costs, expenses, or damages, injuries or sickness resulting from the acts or omissions of the respective offices, agents, or employees, relating to the activities conducted by either party under this Contract.

**XI. TERMINATION**

This Contract may be terminated by the mutual agreement of the parties. This Contract may be unilaterally terminated by either party at any time with or without cause upon not less than one hundred eighty (180) days written notice delivered by mail or in person to the other party. Notices delivered by mail shall be deemed to be received two (2) days after mailing. Such termination shall not be effective with respect to services rendered prior to such notice of termination.

**XII. NOTICE**

For purposes of delivering any notices hereunder, notice shall be effective if delivered to the Anoka County Sheriff, 13301 Hanson Blvd NW, Andover, Minnesota 55304, on behalf of the County; and the City Administrator of the City of Columbus, 16319 Kettle River Boulevard Northeast, Forest Lake, Minnesota 55025, on behalf of the Municipality.

**XIII. ENTIRE AGREEMENT/REQUIREMENT OF A WRITING**

It is understood and agreed that the entire agreement of the parties is contained herein and that this Contract supersedes all oral and written agreements and negotiations between the parties relating to the subject matter hereof, as well as any previous contract presently in effect between the parties relating to the subject matter thereof. Any alterations, variations, or modifications of the provisions of this Contract shall be valid only when they have been reduced to writing and duly signed by the parties herein.

IN WITNESS WHEREOF, the Municipality, by resolution duly adopted by its governing body, has caused this Contract to be signed by its Mayor and attested by its Clerk, and the County, by resolution of the County Board of Commissioners, has caused this Contract to be signed by the Chairman of the County Board of Commissioners, attested by the County Administrator, and signed by the County Sheriff, all on the day and year first above written.

**COUNTY OF ANOKA**

By: \_\_\_\_\_  
 Scott Schulte, Chair  
 County Board of Commissioners

Dated: \_\_\_\_\_

**ATTEST**

By: \_\_\_\_\_  
 Rhonda Sivarajah  
 County Administrator

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
 James Stuart  
 Sheriff

Dated: \_\_\_\_\_

**APPROVED AS TO FORM**

By: \_\_\_\_\_  
 Bryan Lindberg  
 Assistant County Attorney

Dated: \_\_\_\_\_

**CITY OF COLUMBUS**

By: \_\_\_\_\_

Its: \_\_\_\_\_

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Dated: \_\_\_\_\_

**City of Columbus**

January 2023- December 2023

**Twelve Hour Coverage**

No CSO Coverage

365 DAYS/YEAR

260 DAYS/YEAR

**Attachment A****I. PERSONNEL****A. Sworn Deputy Sheriff**

1.) 2.52 Deputies : \$7,701 /month	232,884
2.) 7 Overtime (Average hours/month per Deputy)	14,107

**B. Non-Sworn CSO**

0

**C. Benefits for Sworn and Non-Sworn Personnel**

P.E.R.A. (Sworn)	43,718
P.E.R.A. (Non-Sworn)	0
Medicare	3,581
FICA	0
Severance Allowance	6,288
Unemployment Compensation	370
Life Insurance	106
Health Insurance	35,532
Dental Insurance	1,202
Long Term Disability Insurance	346
Worker's Compensation	2,322
Uniforms	2,520
<i>Total Benefits</i>	95,985

**TOTAL PERSONNEL COSTS****\$342,976****II. VEHICLE**

**A. Police Equipped Vehicles** 0.33 Squads (pro-rated squad) 12,557

**B. C.S.O Vehicle** 1 Vehicle (pro-rated) 0

**C. Maintenance Costs**

1.) Vehicle	14,500
2.) Emergency & Communications Equip. & replc. fee	12,223
3.) Emergency Vehicle Equipment replc. Fee	1,000
4.) Insurance	3,190
5.) Cellular Telephone	1,210
<i>Total Maintenance Costs</i>	32,122

**TOTAL VEHICLE COSTS****\$44,679****III. Administrative Costs**

**A. PSDS Maintenance Costs & AP Maintenance** 3,043

**B. Administrative, Clerical, Etc.+ Substation Computer line If any, Etc** 37,798

*Total Administrative Costs* **\$40,841**

**IV. TOTAL COST TO CONTRACTING MUNICIPALITY****\$428,496**

\*Less Amount Received From State for Police State Aid

**\$16,632****NET COST TO CONTRACTING MUNICIPALITY****\$411,864**

\*This figure is determined by the State and is subject to fluctuation.

The latest figure available is \$6,600 per Deputy. Revenue received is for previous years Deputy hours.



To: Columbus Mayor and City Council Members

From: Frank Koenen, Associate Planner

Date: November 4, 2022

Re: Variance Application Fees

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Understanding the correct fees to charge for variances depends on billable labor, costs, and comparing fees with other cities. Variances include those that are processed through a public hearing, and those processed administratively. There is a brief comparison to twelve other metro cities (see Chart 1, next page, labeled “Variance Application Fee Comparison”). Additionally, estimates are given on the amount of billable labor that the city uses to process variances.

The lowest variance fee in the cities that were studied was approximately \$100, while the highest was \$1385. The average for variances fees among these cities was \$416.25, however when removing the lowest and highest values the average is \$351. The lowest escrow included cities with no escrow, and the highest escrow was \$1,000 (for nonresidential or agricultural properties). The highest escrow that included residential properties was \$750. The average of city’s escrow was \$333 (this average included values that did not charge an escrow), when the lowest and highest values are removed the average drops to \$210.

Some cities that did not charge an escrow had higher fees. To understand the total charges, the combined variance fees and escrow charges were analyzed. The lowest combined charge was \$100. The highest combined charge was \$1,500 for non-single-family variances, while the highest combined charge including all \$1385. The average of city’s variance charges for both fees and escrow was \$749.58. The average with the highest and lowest value removed only drops about \$10 to \$739.50.



	Variance Fee	Variance Escrow	Variance Combined	Admin	Variance
Columbus	150 + Associated Costs	500	650	150 + Associated Costs	
Andover	350 + Public Notification Sign (30) + Recording Fee (100)		350 + Public Notification Sign (30) + Recording Fee (100)	n/a	
Dayton	150 (Res/Ag). 300 (Other)	500 (Res/Ag). 1000 (other)	650 (Res/Ag). 1300 (Other)	n/a	
Farmington	250		250	n/a	
Forest Lake	500		500	n/a	
Lakeville	500	1000 (non single family)	1500 (non single family)	n/a	
Lindstrom	200 + Actual Costs		200 + Actual Costs	n/a	
Wyoming	220	750	970	n/a	
Lino Lakes	200	750	950	n/a	
East Bethel	300 + Consulting Fees	500	800 + Consulting Fees	n/a	
Ham Lake	100	Actual costs only	100	n/a	
Maplewood	1385		1385	500	
White Bear Lake	310 (Res). 560 (Comm & Ind)		310 (Res). 560 (Comm & Ind)	25	
Average	\$ 416.25	\$ 333.00	\$ 749.58	\$ 262.50	
Average with Highest and Lowest Value Removed	\$ 351.00	\$ 210.00	\$ 739.50		

Notes: Columbus not included in the averages. Cities that charge fees for different uses, use higher fee for the average.

Chart 1. Variance Application Fee Comparison

The billable rate for the associate planner to process variances is \$35.01 per hour. This results in each variance application taking approximately \$262.57 for the associate planner as seen in Chart 2. The time and billable rate for the associate planner should also be combined with other staff members and consultants. The time spent on variances by other staff and consultants is estimated to cost a total of \$756.02 as seen in Chart 3.

Associate Planner Task	Estimated Average Time
Review	2 hours
Drafting Incomplete/Complete Letters	0.5 hours
Email Correspondence	2 hours
Phone Correspondence	0.5 hours
Drafting Report	2.5 hours
<b>Total</b>	<b>7.5 hours</b>

Chart 2. Associate Planner Variance Time.

	Estimated Average Time	Billable Rate
<b>Staff Task</b>		
Associate Planner ( <i>See above</i> )	7.5 hours	\$35.01
Additional Planning and Zoning Processing	2 hours	\$33.28
Public Hearing Minutes	1.5 hours	\$33.28
Deputy Clerk Posting and Recording	1 hours	\$40.11
City Council Minutes	0.5 hours	\$33.72
<b>Staff Total</b>	<b>12.5 hours</b>	<b>\$436.02</b>
<b>Consultant Task</b>		
Review by City Attorney's Office	1 hour	\$320.00
<b>Consultant Total</b>	<b>1 hour</b>	<b>\$320.00</b>
<b>Combined Total</b>		<b>\$756.02</b>

Chart 3. All Variance Labor Costs

Supplies and other non-labor fees are another part of the costs associated with the processing of variance applications. Legal notices will range in costs from \$30.00 to \$35.00 depending on the length of the notice. Postage is needed for an average of 10-15 letters, costing about \$0.55-\$0.65 for each mailing. Finally, the recording of the variance with Anoka County costs \$46.00. The approximate costs for variances not including labor is about \$90. The cost of supplies when combined with the cost of labor results in an average of about **\$846.02 per variance**.

Administrative variances take less time. There were two metro cities of those studied that had administrative variances. Maplewood had a \$500 fee, while White Bear Lake had a \$25 fee for administrative variances. Both cities are developed and do not use administrative variances for septic systems. Maplewood utilizes administrative variances for garage setback variances, White Bear Lake

utilizes variances for additions to non-conforming structures, secondary accessory structures over 120 square feet, front yard setbacks, parking in front of living area, rear yard cover, and ground-mounted solar energy system.

Administrative variances take less staff time than regular variances and the cost of supplies (printed paper, etc.) are negligible. The time and billable rate for administrative variance processing for staff and consultants can be found in Chart 4.

	<b>Estimated Average Time</b>	<b>Billable Rate</b>
<b>Staff Task</b>		
Associate Planner	1 hour	\$35.01
Permit Coordinator	1 hour	\$35.56
City Administrator	0.5 hours	\$74.40
<b>Staff Total</b>	<b>2.5 hours</b>	<b>107.77</b>
<b>Consultant Task</b>		
Septic Inspector	1 hour	\$105.00
<b>Consultant Total</b>	<b>1 hour</b>	<b>\$105.00</b>
<b>Combined Total</b>		<b>\$212.77</b>

*Chart 4. Administrative Variance Costs*

Feel free to reach out to me with any questions.

**CHAPTER 4**  
**LICENSING**

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City of Columbus

Anoka County, Minnesota

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## **CHAPTER 4 LICENSING**

### **ARTICLE I GENERAL PROVISIONS**

**SECTION 4-100. TITLE.** This ordinance shall be known as and may be cited as “Licensing Ordinance of the City of Columbus, Anoka County, Minnesota.”

*[§ 4-100 amended by Ord. No. 07-02, effective March 1, 2007.]*

**SECTION 4-101. POWERS OF THE CITY COUNCIL.** The City Council shall have all the legislative and discretionary powers of the city to regulate and issue licenses and permits.

*[§ 4-101 amended by Ord. No. 07-02, effective March 2, 2007.]*

**SECTION 4-102. AUTHORITY OF THE CITY CLERK AND ZONING ADMINISTRATOR.**

Except as may be otherwise provided in this Code, the Zoning Administrator is authorized to approve application for all licenses and permits provided for herein. Applications shall be made in writing on such forms as the Zoning Administrator may from time to time designate and shall contain such information as may be required by the Zoning Administrator. Applications shall be made by the proposed licensee or permittee or his designated authorized agent. After authorization and approval has been given by the Zoning Administrator, the City Clerk is authorized to issue all licenses and permits provided for herein.

*[§ 4-102 amended by Ord. No. 92-2, effective April 17, 1992, amended by Ord. No. 07-02, effective March 1, 2007.]*

**SECTION 4-103. REFERRAL TO CITY COUNCIL.** The Zoning Administrator shall refer to the City Council the application for a permit or license if:

- A. Compliance by the applicant with the appropriate Code requirements is doubtful;
- B. The applicable Code provisions require City Council action.

*[§ 4-103 amended by Ord. No. 92-2, effective April 17, 1992, amended by Ord. No. 07-02, effective March 1, 2007.]*

**SECTION 4-104. APPEAL TO THE CITY COUNCIL.** In the case of any action taken by the Zoning Administrator hereunder, any aggrieved party shall have the right to appeal from the action or decision of the Zoning Administrator to the City Council for appropriate action by the Council at the next regularly scheduled City Council meeting, by making written request within ten (10) days after the decision of the Zoning Administrator. If the City Clerk has issued a license or permit after action by the Zoning Administrator and an aggrieved party appeals from that action to the City Council, the license or permit shall remain in effect until the City Council has acted upon the matter. In such cases, the City Council shall retain the power to affirm or deny the issuance of a license or permit in accordance with the appropriate Code Section. If no appeal is taken to the City Council within ten (10) days after the issuance of a license or permit by the City Clerk, such license or permit shall be deemed issued and shall be revoked only after a hearing and for cause shown as provided herein.

*[§ 4-104 amended by Ord. No. 92-2, effective April 17, 1992, amended by Ord. No. 07-02, effective March 1, 2007.]*

**SECTION 4-105. LICENSE AND FEES.** Each license issued pursuant to this Chapter shall run from January 1 through December 31 of each year unless otherwise stated, and the required fee shall be prorated on a monthly basis unless specifically provided otherwise. If the fee is prorated, the Zoning Administrator or the City Council may stay the commencement of the license until the purpose for which the license is granted begins. An application fee, if required, shall accompany each license application.

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**City Code, Chapter 4: LICENSING**


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A license fee, if required shall be paid to the City Treasurer before the issuance of any permit or license, unless specifically provided otherwise.

*[§ 4-105 amended by Ord. No. 92-2, effective April 17, 1992, amended by Ord. No. 07-02, effective March 1, 2007.]*  
*[For further information regarding Administrative Costs, see Chapter 17 § 17-201.]*

**SECTION 4-106. POSTING.** Any license or permit that is issued pursuant to this Chapter shall be posted in a conspicuous place on the licensed premises for its duration. If the licensed activity is not suited to posting of the license, the licensee shall have the license in his possession at the site of the licensed activity at all times that the licensed activity is being conducted.

**SECTION 4-107. TRANSFER OF LICENSE.** No license or permit shall be transferable as to holder or location without the consent of the Zoning Administrator.

*[§ 4-107 amended by Ord. No. 92-2, effective April 17, 1992.]*

**SECTION 4-108. DENIAL, REVOCATION, OR SUSPENSION.** The City Council may deny an application or revoke or suspend any granted license or granted permit for cause. "Cause" is defined as, but not restricted to, any of the following meanings:

- A. The application does not comply with prerequisites and conditions established by the ordinance;
- B. The applicant is not of good moral character and the license application is for a profession or occupation which effects the public's health, safety, morals, or general welfare;
- C. The granting of a license would be a menace to public safety, health, morals, and welfare;
- D. There has been a material misrepresentation in the application;
- E. The licensee or permittee has failed to abide by the conditions attached to the license;
- F. The licensee or permittee is conducting the licensed activity in violation of an ordinance or in violation of state or federal law.

*[§ 4-108 amended by Ord. No. 07-02, effective March 1, 2007.]*

*[For further information regarding Administrative Costs, see Chapter 17, § 17-201.]*

**SECTION 4-109. PROCEDURES.** All license applications which require action by the City Council and all license suspensions or revocations shall be governed by the following procedures:

- A. An applicant or a license holder is entitled to proper notice and a fair hearing prior to the decision on an application for a license and prior to consideration of renewal, transfer, revocation, or suspension of a license.
- B. The City Council shall issue and publish before the hearing a notice which specifies the time and place of the hearing, a reasonably definite statement of the license sought or the charges alleged against the licensee, a short, precise statement of the facts of the licensing matter, and a statement that the licensee or applicant has the right to be present and to be represented by counsel.
- C. The hearing shall be held before the City Council, although the City Council may refer an initial hearing to the Planning Commission for its recommendation to the City Council.
- D. The applicant or licensee shall have the right to cross examine witnesses who testify against the applicant or licensee, and the applicant or licensee shall have the right to produce witnesses in his or her behalf.
- E. The City Council shall give full consideration and a fair determination of the matter according to the evidence heard before the Planning Commission or the City Council.
- F. A recording or a verbatim transcript of the hearing or hearings shall be made and kept by the City Clerk or by a Court Reporter.
- G. The City Council shall have the discretion and the power to suspend the license or permit pending a final determination after a full hearing by the City Council.



[§ 4-109 amended by Ord. No. 07-02, effective March 1, 2007.]

## **ARTICLE II ASSEMBLIES**

**SECTION 4-200. APPLICATION OF ARTICLE I.** The provisions of Chapter 4, Article I, apply to the issuance of permits hereunder except that § 4-105 shall not apply.

**SECTION 4-201. DEFINITIONS.**

- A. "Assembly" means the gathering of persons at any location at any single time for any purpose.
- B. "Large assembly" means a gathering of fifty (50) or more persons at any location at any single time for any purpose.
- C. "Admission charge" shall mean any charge for the right or privilege to any entertainment or amusement and shall include, among other things, the following: All charges for seats, chairs, tables, benches, reserved or otherwise and other similar accommodations; all charges made for food and refreshments or any free entertainment as provided; all charges made for the use or rental of equipment or facilities for purposes of entertainment and amusement; and all automobile or vehicle parking charges which gives one admission to an entertainment, amusement or social event.
- D. "Entertainment" or "amusement" or "social event" shall include among other things the following: motion picture shows, circuses, shows of all kinds, stage exhibitions, all sporting contests and athletic events, including exhibitions, concerts, lectures, side shows, amusement parks, and all forms of recreation therein, races, motor vehicle competitions of any kind, outdoor concerts, operatic performances, theatrical performances and other form of diversion, sport, pastime or recreation.
- E. "Person" shall include an individual, firm, corporation, company, partnership, association, and unincorporated association and any person acting in a fiduciary capacity.

**SECTION 4-202. LICENSE REQUIRED.** No person shall permit a large assembly or operate a temporary business for which admission is charged and which provides entertainment, amusement, or a social event to any assembly within the City of Columbus without having first secured a license to operate the same. The license shall be issued by the City Clerk after approval of the same by the City Council.

[§ 4-202 amended by Ord. No. 07-02, effective March 1, 2007.]

**SECTION 4-203. LICENSE FEES.**

- A. All assemblies or amusements requiring a license herein shall pay a license fee of \$20.00 per day for each day the assembly or amusement is conducted or is expected to be conducted.
- B. Assemblies which are conducted for charitable, religious, education or political purposes are exempt from the daily license fee, but shall be charged a \$20.00 inspection fee, on a one-time basis, if necessary for any temporary structure as noted in § 4-206.

**SECTION 4-204. APPLICATION PROCEDURES.**

- A. All applications for licenses herein shall be submitted to the Zoning Administrator, on forms to be supplied by the Zoning Administrator, and shall be submitted to the City Council at least forty-five (45) days prior to the large assembly or the amusement or entertainment event.
- B. All applications shall be accompanied by a nonrefundable \$10.00 application fee which is to be submitted to the City Treasurer.

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C. All applications for licenses which require City Council action may be referred to the City Planning Commission for investigation and public hearing.

D. All applications for licenses which require City Council action shall be referred to the Anoka County Sheriff's Office for review and recommendation. The City Council shall receive the report of the Sheriff's Department before taking final action on any license application.

E. All license applications which contemplate the use of a temporary structure, as defined and regulated by § 4-207 below, may be referred to the Fire Department for review and recommendation before the City Council takes final action on a license application.

F. All applications for licenses which require City Council action may be referred to the Anoka County Health Department for review and recommendation as to general sanitation matters, including but not limited to the following areas: water supply, disposal of sewage, garbage and other waste, the prevention and control of communicable diseases, the furnishing of suitable and adequate sanitary accommodations, and all other reasonable and necessary precautions to protect and insure the health, comfort and safety of persons in attendance.

[§ 4-204 amended by Ord. No. 92-2, effective April 17, 1992, amended by Ord. No. 07-02, effective March 1, 2007.]

**SECTION 4-205. INFORMATION ON APPLICATION.** All applications for licenses shall contain the following information:

- A. The names, addresses and telephone numbers of the applicants.
- B. The names, addresses and telephone numbers of the owners of the land.
- C. The precise location of the proposed large assembly or amusement event or entertainment event; the date and specific time during which the large assembly or event will be in progress; the expected number of persons to be in attendance at the large assembly or event.
- D. A written acknowledgment of consent by the owner of the land to the conducting of the proposed large assembly or amusement event or entertainment event, if the owner of the land is not the applicant.
- E. A statement as to whether or not intoxicating beverages or non-intoxicating malt liquors will be sold or allowed to be consumed.
- F. A written statement demonstrating that the applicant has adequate plans for measures designed to protect the safety of the participants, spectators, or admittees, including the following:
  1. The means by which outdoor lighting will be supplied;
  2. The means by which emergency vehicles may be summoned, and the means by which emergency vehicles may have access to the site;
  3. The number and location of adequate sanitary facilities;
  4. The number and location of all on-site parking spaces.
  5. The number of security personnel, the names of the security personnel, and the name of the organization which is providing the security personnel;
  6. If applicable, the location of loud speakers or public address systems.

**SECTION 4-206. TEMPORARY STRUCTURES.** If the application for a large assembly or for an amusement event or entertainment event contemplates the erection of any temporary structure, which will be accessible to the public, the application for a license shall include an additional application for a permit to erect the temporary structure. The application for the temporary structure shall be approved in writing by the building inspector before final approval is given to the event licensed by the City Council. A temporary structure, although licensed, shall not be permitted to be used until the building inspector and the fire chief have inspected and approved of the completed structure prior to its use. The building inspector and the fire chief shall indicate their approval by placing their signatures on the license.

- A. The application for a permit for a temporary structure shall be accompanied by a set of plans or drawings, in duplicate, which shall indicate clearly:

1. The type of construction;
  2. The seating arrangements;
  3. The aisles;
  4. The structural details and calculations of the seats and supports;
  5. The location of all electrical wiring;
  6. The location of all exits;
  7. The location of all fire equipment within the structure and specifications of such equipment;
  8. The location of adjacent structures and obstructions which might hinder the free egress of persons from the exits.
- B. Such application shall further specify:
1. Whether any open flame is intended to be used within the structure, and if so, what precautions are to be taken to render it safe.
  2. The name of the person, firm or corporation which will use the structure.
  3. The location of the principal place of business of such person, firm or corporation.
  4. The names and addresses of the officers of such firm or corporation.
  5. The length of time the structure is intended to be used for the purposes applied for.
  6. The hours of the day or night during which the structure is intended to be used as a place of assembly.
  7. In the case of a temporary structure composed wholly or partly of canvas or similar matter, the identification of the formula or solution which is to be used to flameproof the structure.
  8. What provisions have been made for sanitary facilities for persons using the premises on which said structure is to be erected or maintained.
  9. Any other relevant information which the fire chief may require.
  10. If the fire marshal determines that the attendance of fire equipment at the location of the structure during the use of said structure as a place of assembly is necessary and for the safety of persons and property, the fire chief shall require that the applicant deposit with the Treasurer of the City of Columbus, a sum equal to the reasonable value of the use of said equipment and furnishing of the necessary personnel for such time as will be required, in order to reimburse the City of Columbus for such expense.
  11. The fire chief shall determine if the applicant is in compliance with the Uniform Fire Code and that the applicant has made provision for:
    - (a) Adequate aisles, seats, platforms and poles.
    - (b) Sufficient exits, well marked and properly lighted.
    - (c) Lighted and unobstructed passageways leading to areas away from the structure.
    - (d) Removal, before the structure is to be used as a place of public assembly, of any pole, rope or other obstruction in any aisle or exit.
    - (e) Inspection before the opening of each performance by a qualified electrician to ascertain whether any defects exist in the wiring and provision made for immediate correction of any defects which may be found.
    - (f) Sufficient first aid and fire appliances to be distributed throughout the structure with operating personnel familiar with the operation of such equipment available and assigned during the use of structure as a place of assembly.
    - (g) Sufficient "No Smoking" signs visible at all times.

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- (h) An employee at each entrance to require the extinguishing of all cigarettes, cigars and other smoking materials.
- (i) Announcement at frequent intervals to persons in the assembly of the fact that smoking within the structure is prohibited.
- (j) Proper safeguarding of any use of open flame or its use prohibited.
- (k) The clearing of straw, dry grass, dust or any combustible trash from the structure before it is open to the public and arrangements made to keep the areas where debris may be expected to accumulate well serviced, especially under open seats.
- (l) Proper facilities for calling the fire department or other emergency services.
- (m) Such special fire equipment to attend to said structure during its use as a place of public assembly as the fire chief may decide is necessary for proper fire protection.
- (n) The attendance of special police officers, security officers and firemen as the fire chief may deem necessary for the control of persons in the assembly to prevent over crowding, obstruction of aisles and exits and such other control as may be necessary to render the occupation of such structure by the public as safe.
- (o) The structural and decorative materials of the structure which are combustible, including curtains, acoustic materials, streamers, cloth, cotton batting, straw, vines, leaves, trees and moss shall be rendered fire proof.

*[Section 4-206 amended by Ord. No. 92-2, effective April 17, 1992, amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 09-04, effective, March 19, 2009.]*

**SECTION 4-207. CONDITIONS OF LICENSE.** All licenses issued pursuant to this article shall be subject to the following conditions, which shall be printed on the face of the license, and shall read as follows:

“This license shall be rendered void if any of the following conditions are found to exist at the site of the licensed activity:

- A. The commission of the crime of assault, disorderly conduct, or breach of the peace by any person present;
- B. The consumption or possession of any intoxicating beverage or nonintoxicating malt liquor by person who is younger than the legal age for drinking as established by Minnesota Statutes.
- C. The failure of the licensee to be physically present at the large assembly or event during the entire operation of the licensed event.
- D. The maintenance of any nuisance under any existing city ordinance.
- E. The violation of any city ordinance, state law or federal law.

Upon observing the violation of any of the conditions of this license, a peace officer shall arrest or disperse the offending persons. If, in the judgment of a peace officer, the licensee is failing to control the participants or spectators who are violating the conditions of the license, the peace officer may declare the license to be void and order all participants and spectators and persons to disperse.”

*[§ 4-207 amended by Ord. No. 07-02, effective March 1, 2007.]*

**SECTION 4-208. PUBLIC LIABILITY INSURANCE.** The applicant shall furnish evidence that a public liability insurance policy, in amounts of not less than the amounts shown under either Option A or Option B on the chart below, which insurance policy shall be in force and in effect for all days of operation of the large assembly or amusement event or entertainment event. Such policy shall be with a company authorized to do business in the State of Minnesota and shall provide for the saving harmless of

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the City of Columbus from any and all liabilities or causes of action, which might arise by the virtue of the granting of the permit or license to the applicant and the operation of the amusement event, entertainment event or large assembly thereunder.

**Insurance Options:**

Type of Event	Option A		Option B	
	Coverage Per Person	Coverage Per Occurrence	Property Damage	Single Limit Coverage
Carnivals	\$250,000.00	\$1,000,000.00	\$100,000.00	\$1,000,000.00
Dances	100,000.00	300,000.00	100,000.00	300,000.00
Outdoor amusement without liquor and without races	100,000.00	300,000.00	100,000.00	300,000.00
Outdoor amusement with liquor and without races	250,000.00	500,000.00	100,000.00	500,000.00
Concerts with food and liquor	250,000.00	500,000.00	100,000.00	500,000.00
Athletic events, e.g., softball, baseball, football, soccer	100,000.00	300,000.00	100,000.00	300,000.00
Exhibitions, including races of motorized vehicles	250,000.00	500,000.00	100,000.00	500,000.00
Any other large assembly not already included in a category above	250,000.00	500,000.00	100,000.00	500,000.00

**SECTION 4-209. CASH DEPOSIT.** The applicant shall deposit with the City Treasurer a cash deposit the return of which is conditioned upon the applicant causing no damage to the public or private property in the City of Columbus, and further conditioned upon the fact that the applicant will remove all dirt, paper, litter, or other debris generated by its operations, from the site of the event and the adjoining premises upon completion of the event. Such cash deposit shall be returned to the applicant upon certification by the building inspector that all conditions of the ordinance and license have been complied with and that all of the trash and debris generated by the event has been collected and removed. The amount of the cash deposit shall be determined according to the following formula:

Daily amount for number of persons expected to attend event	Number of days of event (partial day counts as a <u>full day</u> )
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$$\begin{array}{rcl}
 \text{per day} & \times & \text{Total cash} \\
 & & \text{deposit} \\
 \$25.00 \text{ per} & \text{Number} & \\
 100 \text{ persons} & \text{of days} & = \text{Deposit}
 \end{array}$$

[Section 4-209 amended by Ord. No. 92-2, effective April 17, 1992, amended by Ord. No. 07-02, effective March 1, 2007.]

**SECTION 4-210. VIOLATIONS.** It shall be unlawful for any person to permit, maintain, promote, conduct, advertise, act as an entrepreneur, undertake, organize, manage or sell or give tickets to any large assembly, any entertainment event or amusement event held or to be held within the jurisdiction of the City of Columbus, Anoka County, Minnesota, whether on public or private property, without first obtaining a license to hold such large assembly or event from the City of Columbus.

If any peace officer, upon discovering a large assembly or an amusement event or an entertainment event which is unlicensed shall order the persons present to disperse, all persons present shall promptly leave the premises, and failure to do so shall be a violation of this ordinance.

Any persons violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or imprisonment in accordance with the provisions of Chapter 1, Section 1-109 of this City Code.

[§4-210, amended by Ord. No. 86-3, effective February 21, 1986, § 4-210, amended by Ord. No. 92-2, effective April 17, 1992, amended by Ord. No. 07-02, effective March 1, 2007.]

**SECTION 4-211. SEVERABILITY.** Should any portion of this ordinance be found to be violative of any provisions of the constitution of the State of Minnesota or the United States of America, such a finding shall affect only such portion, and the remainder of this ordinance shall continue in full force and effect.

**SECTION 4-212. ANNUAL LICENSE FOR PERMANENT BUSINESS.** In the case of a business establishment which, as a regular part of its business either acts as entrepreneur or provides facilities to the entrepreneur of large assemblies, entertainment events, amusement events, or social events for which an admission charge is collected, the owner may, upon application to the City Council, be granted an annual license. Such an annual license shall be considered, issued, and used within the following conditions, restrictions, and guidelines:

- A. An annual license of this type shall be available only under Article II of this chapter, and Article III is specifically excluded from the provision for an annual license.
- B. All of the provisions of Article I and of Article II shall apply to annual licenses, except where special provisions are made in this Section.
- C. For the issuance of an annual license, § 4-204.A is modified: the application must be submitted to the Zoning Administrator at least forty-five (45) days prior to the date upon which the applicant intends to conduct the first scheduled event.
- D. For the issuance of an annual license, § 4-205.C is modified: the application must also state the predicted number of events and the predicted dates of the events which the applicant expects to conduct during the term of the annual license. It is recommended that applicants include all of the possible and foreseeable events in the application since the use of the annual license will be restricted to the number and kinds of events listed in the application. The holder of an annual license may not use the license to conduct an event which was not contemplated by the annual license application, but rather must seek an additional one-time event license. Each predicted event contemplated by the annual license application should be presented in the application as a sub-part, including all of the information required by § 4-205 and § 4-206 for each predicted event.

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E. For the issuance of an annual license, § 4-203 is modified: the licensee under an annual license shall, at the time the annual license is issued by the City Clerk, pay the total of \$20.00 per day for each day of all the events predicted and licensed by the annual license. No part of the annual license is refundable, even if the predicted events are not conducted.

F. At the time the annual license is issued by the City Clerk, the applicant shall deposit with the Zoning Administrator a current certificate of insurance or a duplicate original insurance policy which insurance must comply with the provisions of § 4-208. The insurance certificate or policy must state that the duration of the coverage extends to the date after the last day of the last event predicted and licensed in the annual license.

G. The holder of an annual license may delay the cash deposit required by § 4-209 until the last Wednesday preceding the date of a scheduled event.

H. If the holder of an annual license wishes to use a temporary structure, as contemplated by § 4-206, the license holder must coordinate a construction and inspection schedule for each temporary structure with the building inspector. It is the license holder's responsibility to coordinate this schedule with the building inspector and to pay the appropriate inspection fees as set forth in the building code. Failure to pay the inspection fees or failure to obtain a timely inspection shall not necessarily invalidate the event license but shall prohibit the licensee's use of the temporary structure.

[§ 4-212 amended by Ord. No. 92-2, effective April 17, 1992, amended by Ord. No. 07-02, effective March 1, 2007.]

### **ARTICLE III**

#### **CARNIVALS**

**SECTION 4-300. APPLICATION OF CHAPTER 4, ARTICLES I AND II.** The provisions of Chapter 4, Articles I and II, except § 4-212, shall apply to the issuance of permits hereunder.

**SECTION 4-301. DEFINITION.** A "carnival" is defined as an amusement enterprise, including but not limited to a circus, usually consisting of one or more amusement rides, including mechanical devices, which is erected and operated within the city on a temporary basis, but excluding amusement enterprises constructed on a permanent basis but operated seasonally.

**SECTION 4-302. PERMIT REQUIRED.** No person shall operate a carnival within the city without having secured a permit to operate the same. The permit shall be issued by the City Clerk after the approval of the same by the City Council. The application procedures for a carnival permit shall be the same as those contained in § 4-203, § 4-204, § 4-205, § 4-206, § 4-207, § 4-208, and § 4-209.

[§ 4-302 amended by Ord. No. 07-02, effective March 1, 2007.]

**SECTION 4-303. INSPECTION.** Upon the erection of all rides to be used by the carnival applicant, the applicant shall notify the building inspector who shall direct an on-site inspection of each ride and mechanical device. No ride within such carnival shall be operated until it has been inspected by the building inspector and he has indicated that the ride reasonably appears to be in a safe and operable condition. Any defect discovered by him shall be immediately corrected by the carnival applicant prior to using such ride. Use of a ride without approval shall be grounds for the suspension or revocation of the carnival license by the building inspector. The building inspector shall be allowed continuing access to all rides for the duration of the license to facilitate continued safety inspections.

**SECTION 4-304. COMPLIANCE WITH STATE ELECTRICAL CODE.** Prior to the opening of a carnival, the carnival applicant shall furnish to the Zoning Administrator in writing a certification

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form from the State Electrical Inspector of the State of Minnesota that the applicant complies with the electrical code.

*[§ 4-304 amended by Ord. No. 92-2, effective April 17, 1992.]*

**ARTICLE IV**  
**DANCES**

**SECTION 4-400. APPLICATION OF CHAPTER 4, ARTICLES I AND II.** The provisions of Chapter 4, Articles I and II, shall apply to the issuance of all licenses hereunder, whether or not the dance or dances are of a temporary or permanent nature.

*[§ 4-401 through § 4-404 inclusive, were repealed by Ord. No. 89-17, effective December 8, 1989.]*

*[\*Ord. No. 89-17, Section 3, contained a typographical error indicating Chapter 10, Section 1, Sections 4-401, 4-402, 4-403, and 4-404. Chapter 4, Article IV, § 4-401 through § 4-404, contained regulations regarding dances and dance halls.]*

/s/ Barbara A. Masteller, Town Clerk.

**ARTICLE V**  
**ALCOHOLIC BEVERAGE LICENSE**

**SECTION 4-500. ADOPTION OF STATE LAW BY REFERENCE.** The provisions of Minnesota Statutes Chapter § 340A, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2 percent malt liquor are hereby adopted by reference and are made a part of this Ordinance as if set out in full. It is the intention of the City Council that all future amendments to Minnesota Statutes Chapter § 340A are hereby adopted by reference or referenced as if they had been in existence at the time this Ordinance is adopted.

*(Section 4-500 added by Ord. No. 07-05, effective December 20, 2007.)*

**SECTION 4-501. CITY MAY BE MORE RESTRICTIVE THAN STATE LAW.** The Council is authorized by the provisions of Minnesota Statutes § 340A.509, as it may be amended from time to time, to impose, and has imposed in this ordinance, additional restrictions on the sale and possession of alcoholic beverages within its limits beyond those contained in Minnesota Statutes Chapter § 340A, as it may be amended from time to time.

*(Section 4-501 added by Ord. No. 07-05, effective December 20, 2007.)*

**SECTION 4-502. DEFINITIONS.** In addition to the definitions contained in Minnesota Statutes § 304A.101, as it may be amended from time to time, the following terms are defined for purposes of this ordinance:

- A. **“LIQUOR”** – As used in this ordinance, without modification by the words, an “intoxicating” or a “3.2 percent malt”, includes both intoxicating liquor and 3.2 percent malt liquor.
- B. **“RESTAURANT”** – An eating facility, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises, where full waitress/waiter table service is provided, where a customer orders food from printed menus and



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where the main food course is served and consumed while seated at a single location. To be a restaurant as defined by this section, an establishment shall have a license from the state as required by Minnesota Statutes § 157.16, as it may be amended from time to time, and meet the definition of either a “small establishment,” “medium establishment” or “large establishment” as defined in Minnesota Statutes § 157.16, subd. 3d, as it may be amended from time to time. An establishment which serves prepackaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served, shall not be considered to be a restaurant for purposes of this ordinance unless it meets the definitions of a “small establishment,” “medium establishment” or “large establishment”.

*[Section 4-502 added by Ord. No. 07-05, effective December 20, 2007, as amended by Ord. No 18-01, effective May 31, 2018.]*

**SECTION 4-503. NUDITY ON THE PREMISES OF LICENSED ESTABLISHMENTS PROHIBITED.**

A. The City Council finds that it is in the best interests of the public health, safety, and general welfare of the people of the City that nudity is prohibited as provided in this section on the premises of any establishment licensed under this ordinance. This is to protect and assist the owners, operators, and employees of the establishment, as well as patrons and the public in general, from harm stemming from the physical immediacy and combination of alcohol, nudity, and sex. The Council especially intends to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various criminal conduct, including prostitution, sexual assault, and disorderly conduct. The Council also finds that the prohibition of nudity on the premises of any establishment licensed under this ordinance, as set forth in this section, reflects the prevailing community standards of the City.

B. It is unlawful for any licensee to permit or allow any person or persons on the licensed premises when the person does not have his or her buttocks, anus, breasts, and genitals covered with a non-transparent material. It is unlawful for any person to be on the licensed premises when the person does not have his or her buttocks, anus, breasts, and genitals covered with a non-transparent material.

C. A violation of this section is a misdemeanor punishable as provided by law, and is justification for revocation or suspension of any liquor, wine, or 3.2 percent malt liquor license or other license issued under this ordinance or the imposition of a civil penalty under the provisions of Section 4-528 B.

*[Section 4-503 added by Ord. No. 07-05, effective December 20, 2007, amended by Ord. No. 09-04, effective, March 19, 2009.]*

**SECTION 4-504. CONSUMPTION IN PUBLIC PLACES.** No person shall consume intoxicating liquor or 3.2 percent malt liquor in a public park, on any public street, sidewalk, parking lot or alley, or in any public place other than on the premises of an establishment licensed under this ordinance, in a municipal liquor dispensary if one exists in the City, or where the consumption and display of liquor is lawfully permitted.

*[Section 4-504 added by Ord. No. 07-05, effective December 20, 2007.]*

**SECTION 4-505. NUMBER OF LICENSES WHICH MAY BE ISSUED.** State law establishes the number of liquor licenses that a city may issue. The Council is not required to issue the full number of licenses that is has available. The Council in its sound discretion may provide by ordinance that a larger number of licenses may be issued up to the number of licenses authorized by Minnesota Statutes Chapter § 340A, as it may be amended from time to time.

*[Section 4-505 added by Ord. No. 07-05, effective December 20, 2007.]*

**SECTION 4-506. TERM AND EXPIRATION OF LICENSES.** Each license shall be issued for a maximum period of one year. All licenses, except temporary licenses, shall expire on March 31 of each

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year unless another date is provided by ordinance. All licenses shall expire on the same date. Temporary licenses expire according to their terms. Consumption and display permits issued by the Commissioner of Public Safety, and the accompanying City consent to the permit, shall expire on March 31 of each year.

*[Section 4-506 added by Ord. No. 07-05, effective December 20, 2007, amended by Ord. No. 08-04, effective April 3, 2008.]*

**SECTION 4-507. KINDS OF LIQUOR LICENSES.** The City Council is authorized to issue the following licenses and permits, up to the number specified in Section 4-505.

- A. 3.2 percent malt liquor on-sale license, which may be issued only to golf courses, restaurant, hotels, clubs, bowling centers, and establishments used exclusively for the sale of 3.2 percent malt liquor with the incidental sale of tobacco and soft drinks.
- B. 3.2 percent malt liquor off-sale license.
- C. Temporary 3.2 percent malt liquor licenses which may be issued only to a club, charitable, religious, or nonprofit organization for a maximum of 30 days.
- D. Off-sale intoxicating liquor licenses, which may be issued only to exclusive liquor stores or drug stores that have an off-sale license which was first issued on or before May 1, 1994. The fee for an off-sale intoxicating liquor license established by the Council under Section 4-508 shall not exceed \$100 or a greater amount which may be permitted by Minnesota Statutes § 340A.408, subd. 3, as it may be amended from time to time.
- E. On-sale intoxicating liquor licenses, which may be issued to the following establishments as defined by Minnesota Statutes § 340A.101, as it may be amended from time to time, and this ordinance: hotels, restaurants, bowling centers, theaters, clubs or congressionally chartered veterans organizations, theaters and exclusive liquor stores. Club licenses may be issued only with the approval of the Commissioner of Public Safety. The fee for club licenses established by the Council under Section 4-508 of this ordinance shall not exceed the amounts provided for in Minnesota Statutes § 340A.408, subd.2b, as it may be amended from time to time. The Council may in its sound discretion authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises at a community festival held within the City under the provisions of the Minnesota Statutes § 340A.404, subd.4b, as it may be amended from time to time. The Council may in its sound discretion authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises at any convention, banquet, conference, meeting, or social affair conducted on the premises of a sports, convention, or cultural facility owned by the City, under the provisions of Minnesota Statutes § 340A.404, subd.4a, as it may be amended from time to time; however, the licensee is prohibited from dispensing intoxicating liquor to any person attending or participating in an amateur athletic event being held on the premises.
- F. Sunday on-sale intoxicating liquor licenses may be issued only to a restaurant as defined in Section 4-502 of this ordinance, club, bowling center, or hotel which has a seating capacity of at least 30 persons, which holds an on-sale intoxicating liquor license, and which serves liquor only in conjunction with the service of food. The maximum fee for this license, which shall be established by the Council under the provisions of Section 4-508 of this ordinance, shall not exceed \$200, or the maximum amount provided by Minnesota Statutes § 340A.504, subd. 3C, as it may be amended from time to time.
- G. Temporary on-sale intoxicating liquor licenses, with the approval of the Commissioner of Public Safety, which may be issued only in connection with a social event sponsored by a club, charitable, religious, or other nonprofit corporation that has existed for at least three years. No license shall be for longer than four consecutive days, and the City shall issue no more than 12 days worth of temporary licenses to any one organization in one calendar year.
- H. On-sale wine licenses, with the approval of the Commissioner of Public Safety to: theaters, restaurants that have facilities for seating at least 25 guests at one time and meet the criteria of Minnesota Statutes §304A.404, subd. 5, as it may be amended from time to time, and

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which meet the definition of restaurant in Section 4-502; to licensed bed and breakfast facilities which meet the criteria in Minnesota Statutes §340A.401, subd. 1, as it may be amended from time to time and to theaters that meet the criteria of Minnesota Statutes § 340A.404(b), as it may be amended from time to time. The fee for an on-sale wine license established by the Council under the provisions of Section 4-508 of this ordinance shall not exceed one half of the license fee charged for an on-sale intoxicating liquor license. The holder of an on-sale wine license who also holds an on-sale 3.2 percent malt liquor license is authorized to sell malt liquor with content over 3.2 percent (strong beer) without an additional license.

I. One day consumption and display permits with the approval of the Commissioner of Public Safety to a nonprofit organization in conjunction with a social activity in the City sponsored by the organization.

J. Approval of the issuance of a consumption and display permit by the Commissioner of Public Safety. The maximum amount of the additional fee which may be imposed by the Council on a person who has been issued a consumption and display permit under the provisions of Section 4-508 of this ordinance shall not exceed \$300, or the maximum amount permitted by Minnesota Statutes § 340A.14, subd. 6 as it may be amended from time to time. Consumption and display permits shall expire on March 31 of each year.

K. Culinary class limited on-sale licenses may be issued to a business establishment not otherwise eligible for an on-sale intoxicating liquor license that, as part of its business, conducts culinary or cooking classes for which payment is made by each participant or advance reservation is required. The license authorizes that licensee to furnish to each participant in each class, at no additional cost to the participant, up to a maximum of six ounces of wine or 12 ounces of intoxicating malt liquor, during and as part of the class, for consumption on the licensed premises only.

L. Temporary off-sale wine licenses, with the approval of the commissioner of Public Safety, may be issued for the off-sale of wine at an auction. A license issued under this subdivision authorizes the sale of only vintage wine of a brand and vintage that is not commonly being offered for sale by any wholesaler in Minnesota. The license may authorize the off-sale of wine for not more than three consecutive days provided not more than 600 cases of wine are sold at any auction. The licenses are subject to the terms, including license fee, imposed by Section 4- 508.

M. Brew pub on-sale intoxicating liquor or on-sale 3.2 percent malt liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to brewers who operate a restaurant in their place of manufacture and who meet the criteria established at Minnesota Statutes § 340A.301 subd. 6(d) and 7(b), as it may be amended from time to time. Sales under this license at on-sale may not exceed 3,500 barrels per year. If a brew pub licensed under this section possesses a license for off-sale under Section 4-507 (N) below, the brew pub's total combined retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 500 barrels.

N. Brewer off-sale intoxicating liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to a brewer that is a licensee under Section 4-507 (M) above or that produces fewer than 3,500 barrels of malt liquor in a year and other meets the criteria established at Minnesota Statutes § 340A.301, subd. 6(d) and 7(b)), as it may be amended from time to time. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the City. Malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. All malt liquor sold under this license shall be packaged in the manner required by Minnesota Statutes § 340A.301, subd. 7, as it may be amended from time to time. Sales under this license may not exceed 500 barrels per year. If a brewer licensed under this section possesses a license under Section 4-507 (M) above, the

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brewer's total retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 500 barrels.

O. Brewer temporary on-sale intoxicating liquor licenses may be issued, with the approval of the Commissioner of Public Safety, to brewers who manufacture fewer than 3,500 barrels of malt liquor in a year for the on-sale of intoxicating liquor in connection with a social event within the municipality sponsored by the brewer.

P. Sales after 1:00 a.m., no licensee may sell intoxicating liquor or 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the licensee has obtained a permit from the commissioner. Application for the permit must be on a form the Commissioner of Public Safety prescribes. Permits are effective for one year from date of issuance. For retailers of intoxicating liquor, the fee for the permit is provided in Minnesota Statutes § 340A.504.

*[Section 4-507 added by Ord. 07-05, effective December 20, 2007, amended by Ord. No. 09-04, effective March 19, 2009, Section 4-507(H) amended by Ord. No. 15-04, effective September 10, 2015.]*

**SECTION 4-508. LICENSE FEES; PRO RATA.**

A. No license or other fee established by the City shall exceed any limit established by Minnesota Statutes Chapter 340A, as it may be amended from time to time, for a liquor license.

B. The Council may establish from time to time in the Ordinance Establishing Fees and Charges the fee for any of the liquor licenses it is authorized to issue. The license fee may not exceed the cost of issuing the license and other cost directly related to the enforcement of the liquor laws and this ordinance. No liquor license fee shall be increased without providing mailed notice of hearing on the proposed increase to all affected licensees at least 30 days before the hearing.

C. The fee for all licenses, except temporary licenses, granted after the commencement of the license year shall be prorated on a quarterly basis.

D. All license fees shall be paid in full at the time the application is filed with the City. If the application is denied, the license fee shall be returned to the applicant.

E. A refund of a pro rata share of an annual license fee may occur only if authorized by Minnesota Statutes § 340A.408, subd. 5, as it may be amended from time to time.

*[Section 4-508 added by Ord. No. 07-05, effective December 20, 2007.]*

**SECTION 4-509. COUNCIL DISCRETION TO GRANT OR DENY A LICENSE.** The Council in its sound discretion may either grant or deny the application for any license or for the transfer or renewal of any license. No applicant has a right to a license under this ordinance.

*[Section 4-509 added by Ord. No. 07-05, effective December 20, 2007.]*

**SECTION 4-510. APPLICATION FOR LICENSE.**

A. **Form.** Every application for a license issued under this ordinance shall be on a form provided by the City. Every application shall state the name of the applicant, the applicant's age, representations as to the applicant's character, with references as the Council may require, the type of license applied for, the business in connection with which the proposed license will operate and its location, a description for the premises, whether the applicant is owner and operator of the business, how long the applicant has been in that business at that place, and other information as the Council may require from time to time. An application for an on-sale intoxicating liquor license shall be in the form prescribed by the Commissioner of Public Safety and shall also contain the information required in this section. The form shall be verified and filed with the City. No person shall make a false statement in an application.

B. **Financial Responsibility.** Prior to the issuance of an license under this ordinance, the applicant shall demonstrate proof of financial responsibility as defined in Minnesota Statutes § 340A.409, as it may be amended from time to time, with regard to liability under Minnesota

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Statutes § 340A.801, as it may be amended from time to time. This proof will be filed with the City and the Commissioner of Public Safety. Any liability insurance policy filed as proof of financial responsibility under this section shall conform to Minnesota Statutes §340A.409, as it may be amended from time to time. Operation of a business which is required to be licensed by this ordinance without having on file with the City at all times effective proof of financial responsibility is a cause for revocation of the license.

*[Section 4-510 added by Ord. No. 07-05, effective December 20, 2007, amended by Ord. No. 08-04, effective April 3, 2008.]*

**SECTION 4-511. DESCRIPTION OF PREMISES.** The application shall specifically describe the compact and contiguous premises within which liquor may be dispensed and consumed. The description may not include any parking lot or sidewalk.

*[Section 4-511 added by Ord. 07-05, effective December 20, 2007.]*

**SECTION 4-512. APPLICATIONS FOR RENEWAL.** At least 90 days before a license issued under this ordinance is to be renewed, an application for renewal shall be filed with the City. The decision whether or not to renew a license rests within the sound discretion of the Council. No license has a right to have the license renewed.

*[Section 4-512 added by Ord. 07-05, effective December 20, 2007.]*

**SECTION 4-513. TRANSFER OF LICENSE.** No license issued under this ordinance may be transferred without the approval of the Council. Any transfer of stock or a corporate licensee is deemed to be a transfer of the license, and a transfer of stock without prior Council approval is a ground for revocation of the license. An application to transfer a license shall be treated the same as an application for a new license, and all of the provisions of this ordinance applying to application for a license shall apply.

*[Section 4-513 added by Ord. 07-05, effective December 20, 2007.]*

**SECTION 4-514. INVESTIGATION.**

A. Background and Financial Investigation referred to the Anoka County Sheriff's Office. All applications for a license shall be referred to the Anoka County Sheriff's Office and to other City Departments as the City Clerk shall deem necessary for verification and investigation of the facts set forth in the application. The Anoka County Sheriff's Office shall investigate the information requested in the application, including, but not limited to, the application information required under Section 4-510, as shall be necessary and shall make a written recommendation and report to the City Council which shall include a list of all violations of Federal or State Law or Municipal ordinance. The City Council may order and conduct additional investigations as it deems necessary.

B. Background and Financial Investigation Fee. The investigation fee for the background and financial investigation to be paid by the applicant shall be \$500 if the investigation is to be conducted within the state, and up to \$10,000, depending on actual costs, if the investigation is required outside the state. The unused balance of the fee shall be returned to the applicant whether or not the application is denied. The fee shall be paid in advance of any investigation and the amount actually expended on the investigation shall not be refundable in the event the application is denied. The results of the investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale intoxicating liquor license or on-sale wine license.

*[Section 4-514 added by Ord. 07-05, effective December 20, 2007, amended by Ord. No. 08-04, effective April 3, 2008.]*

**SECTION 4-515. HEARING AND ISSUANCE.** The City Clerk will post and publish notice of the public hearing. The Council shall investigate all facts set out in the application and not investigated in the background and financial investigations. Opportunity shall be given to any person to be heard for or

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against the granting of the license. After the investigation and hearing, the Council shall in its sound discretion grant or deny the application. No license shall become effective until the proof of financial security has been approved by the Commissioner of Public Safety.

*[Section 4-515 added by Ord. 07-05, effective December 20, 2007, amended by Ord. No. 08-04, effective April 3, 2008.]*

**SECTION 4-516. RESTRICTIONS ON ISSUANCE.**

- A. Each license shall be issued only to the applicant for the premises described in the application.
- B. No license shall be granted or renewed for operation on any premises on which taxes, assessments, utility charges, service charges, or other financial claims of the City are delinquent and unpaid.
- C. No license shall be issued for any place or any business ineligible for a license under state law.
- D. No license shall be granted within 500 feet of any school or church. The distance is to be measured from the closest side of the church to the closest side of the structure on the premises within which liquor is to be sold.

*[Section 4-516 added by Ord. No. 07-05, effective December 20, 2007.]*

**SECTION 4-517. CONDITIONS OF LICENSE.** The failure of a licensee to meet any one of the conditions of the license specified below shall result in a suspension of the license until the condition is met.

- A. Within 90 days after employment, every person selling or serving liquor in an establishment which has an on-sale license shall receive training regarding the selling or serving of liquor to customers. The training shall be provided by an organization approved by the Council. Proof of training shall be provided by the licensee.
- B. Every licensee is responsible for the conduct of the place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises is deemed the act of a licensee as well, and the licensee shall be liable to all penalties provided by this ordinance and the law equally with the employee.
- C. Every licensee shall allow any peace officer, health officer, City employee, or any other person designated by the Council to conduct compliance checks and to otherwise enter, inspect, and search the premises of the licensee during business hours and after business hours during the time when customers remain on the premises without a warrant.
- D. Compliance with financial responsibility requirements of state law and of this ordinance is a continuing condition of any license.
- E. No restaurant shall be eligible for an on-sale intoxicating liquor license unless at least forty (40) percent of the gross food and beverage receipts of the restaurant are attributable to the sale of food. This requirement shall be regulated at the discretion of the City, including but not limited to the following:
  - 1. Each restaurant holding an on-sale intoxicating liquor license shall have the continuing obligation to have at least forty (40) percent of gross food and beverage receipts of the restaurant attributable to the sale of food during the calendar year preceding the license renewal.
  - 2. For the purpose of this section, "gross food and beverage receipts" shall include only the food and beverage portion of receipts of a restaurant that provides other services or sells other products. Financial records for the food and beverage portion of a restaurant's receipts must be maintained separately from the records of the receipts for other services or products of the restaurant and must be submitted to the City on a quarterly basis within 30 days of the end of each calendar quarter.

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3. For the purpose of this section, "sale of food" shall include gross receipts attributable to the sale of food items, soft drinks and nonalcoholic beverages. It shall not include any portion of gross receipts attributable to the nonalcoholic components of plain or mixed alcoholic beverages, such as ice, soft drink mixes or other mixes.

4. The City may require the production of such documents or information, including but not limited to books, records, tax filings, audited financial statements or pro forma financial statements as it deems necessary or convenient to enforce these provisions. The City may also obtain its own audit or review of such documents or information, and all licensees shall cooperate with such a review, including prompt production of requested records.

F. Any restaurant holding an on-sale liquor license must provide food service to its customers, everywhere on the premises where alcohol is present or served, until at least one hour before the closing time for the restaurant. For the purpose of this section "food service" means a licensed restaurant shall provide a minimum of four (4) entrees, sandwiches or other principal food items, as approved by the City. Prepackaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served shall not be included in satisfaction of the required food items.

G. Between 10:00 p.m. and closing, no licensee, responsible party or employee or agent of a licensee, shall give away more than one drink containing liquor at no cost. The provisions of this division (G) shall allow a licensee, responsible party or employee or agent of a licensee to deliver one complementary drink containing liquor at no cost, subject to the provisions of Section 4-518, Hours and Days of Sale.

*[Section 4-517 added by Ord. No. 07-05, effective December 20, 2007, amended by Ord. No. 09-04, effective March 19, 2009, amended by Ord. No. 13-03, effective August 1, 2013, Section 4-517(A) (F) and (G) amended by Ord. No. 15-04, effective September 10, 2015.]*

**SECTION 4-518. HOURS AND DAYS OF SALE.**

A. The hours of operation and days of sale shall be those set by Minnesota Statutes § 340A.504, as it may be amended from time to time, except that the City Council may, by resolution or ordinance, provide for more restrictive hours than state law allows.

B. No person shall consume nor shall any on-sale licensee permit any consumption of intoxicating liquor or 3.2 percent malt liquor in an on-sale licensed premises more than 30 minutes after the time when a sale can legally occur.

C. No on-sale licensee shall permit any glass, bottle, or other container containing intoxicating liquor or 3.2 percent malt liquor to remain upon any table, bar, stool, or other place where customers are served, more than 30 minutes after the time when the sale can legally occur.

D. No person, other than the licensee and any employee, shall remain on the on-sale licensed premises more than 30 minutes after the time when a sale can legally occur. Licensed premises within establishments licensed under Minnesota Statutes Chapter 240 are exempt from this provision.

E. Any violation of any condition of this section may be grounds for revocation or suspension of the license.

*[Section 4-518 added by Ord. No. 07-05, effective December 20, 2007.]*

**SECTION 4-519. MINORS ON PREMISES.**

A. No person under the age of 18 years shall be employed in any rooms constituting the place in which intoxicating liquors or 3.2 percent malt liquor are sold at retail on sale, except that persons under the age of 18 may be employed as musicians or to perform the duties of a bus person or dishwashing services in places defined as a restaurant, hotel, motel or other multi-purpose building serving food in rooms in which intoxicating liquors or 3.2 percent malt liquor are sold at retail on sale.

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- B. No person under the age of 21 years may enter a licensed establishment for the purpose of purchasing or having served or delivered any alcoholic beverage.

*[Section 4-519 added by Ord. No. 07-05, effective December 20, 2007, Section 4-519(A) amended by Ord. No. 15-04, effective September 10, 2015.]*

**SECTION 4-520. RESTRICTIONS ON PURCHASE AND CONSUMPTION.** No person shall mix or prepare liquor for consumption in any public place of business unless it has a license to sell on- sale, or a permit from the Commissioner of Public Safety under the provisions of Minnesota Statutes § 340A.414, as it may be amended from time to time, which has been approved by the Council, and no person shall consumer liquor in any such place.

*[Section 4-520 added by Ord. No. 07-05, effective December 20, 2007.]*

**SECTION 4-521. SUSPENSION AND REVOCATION.**

- A. The Council shall either suspend for a period not to exceed 60 days or revoke any liquor license upon finding that the licensee has failed to comply with any applicable statute, regulation, or provision of this ordinance relating to liquor. Except in cases of lapse of proof of financial responsibility, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to the Administrative Procedures Act, Minnesota Statutes §§ 14.57 to 14.70, as it may be amended from time to time. The Council may act as the hearing body under that Act, or it may contract with the office of Hearing Examiners for a hearing officer.

- B. The following are the minimum periods of suspension or revocation which shall be imposed by the Council for violations for the provisions of this ordinance or Minnesota Statutes Chapter 340A, as it may be amended from time to time or any rules promulgated under that chapter as they may be amended from time to time:

1. For commission of a felony related to the licensed activity, sale of alcoholic beverages while the license is under suspension, sale of intoxicating liquor where the only license is for a 3.2 percent malt liquor, or violation of Section 4-503, the license shall be revoked.
2. The license shall be suspended by the Council after a finding under division (a) that the licensee has failed to comply with any applicable statute, rule, or provision of this ordinance for at least the minimum periods as follows:
  - a. For the first violation within any three-year period, at least one day suspension in addition to any criminal or civil penalties which may be imposed.
  - b. For a second violation within any three-year period, at least three consecutive days' suspension in addition to any criminal or civil penalties which may be imposed.
  - c. For the third violation within any three year period, at least seven consecutive days' suspension in addition to any criminal or civil penalties which may be imposed.
  - d. For a fourth violation within any three-year period, the license shall be revoked.

- C. Lapse of required proof of financial responsibility shall effect an immediate suspension of any license issued pursuant to this ordinance or state law without further action of the Council. Notice of cancellation or lapse of a current liquor liability policy shall also constitute notice to the licensee of the impending suspension of the license. The holder of the license who has received notice of lapse or required insurance or of suspension or revocation of a license may request a hearing thereon and, if a request is made in writing to the Clerk, a hearing before the Council shall be granted within ten days. Any suspension under this division (B) shall continue until the Council determines that the financial responsibility requirement of state law and this ordinance have again been met.



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D. The provisions of Section 4-528 pertaining to administrative penalty may be imposed in addition to or in lieu of any suspension or revocation under this ordinance.

[Section 4-521 added by Ord. 07-05, effective December 20, 2007.]

**SECTIONS 4-522 through 4-527. (RESERVED FOR FUTURE USE.)****SECTION 4-528. PENALTIES.**

A. Any person violating the provisions of this ordinance or Minnesota Statutes Chapter 340A as it may be amended from time to time or any rules promulgated under that chapter as they may be amended from time to time is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

B. The Council shall impose a civil penalty of up to \$2,000 for each violation of Minnesota Statutes Chapter 340A, as it may be amended from time to time, and of this ordinance. Conviction of a violation in a court of law is not required in order for the Council to impose the civil penalty. A hearing under the Administrative Procedures Act, Minnesota Statutes §§ 14.57 to 14.70, as it may be amended from time to time, is not required before the penalty is imposed, but the Council shall hold a hearing on the proposed violation and the proposed penalty and hear any person who wishes to speak. Non-payment of the penalty is grounds for suspension or revocation of the license. The following is the minimum schedule of presumptive civil penalties which must be imposed in addition to any suspension unless the license is revoked.

1. For the first violation within any three-year period, \$500.
2. For the second violation within any three-year period, \$1,000.
3. For the third and subsequent violations within any three-year period, \$2,000.

C. The term "violation" as used in Section 4-521 includes any and all violations of the provisions in this section, or of Minnesota Statutes Chapter 340A, as it may be amended from time to time or any rules promulgated under that chapter as they may be amended from time to time. The number of violations shall be determined on the basis of the history of violations from the preceding three-year period. Revocation shall occur within 60 days following a violation for which revocation is imposed.

[Section 4-528 added by Ord. No. 07-05, effective December 20, 2007, amended by Ord. No. 09-04, effective March 19, 2009.]

**ARTICLE VI**  
**ANIMAL CONTROL AND LICENSING**

[CHAPTER 4, ARTICLE VI, § 4-600 through § 4-610, inclusive, were repealed by Ord. No. 88-3, effective April 21, 1989.]

**SECTION 4-611. WORDS AND PHRASES DEFINED.**

A. **"OWNER"** - Any person, group of persons, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, having custody or control of an animal, or permitting any animal to habitually be or remain upon property for a period of three (3) days or longer.

B. **"ANIMAL"** - Any mammal, canine, feline, reptile, amphibian or bird, domestic or non-domestic.

C. **"ANIMAL CONTROL OFFICER"** - Any peace officer, person, firm, agency or company hired or appointed by the City Council to assist and/or enforce this Article.

D. **"ANIMAL SHELTER"** - Any premises designated by the City Council for the purpose of impounding and caring for animals held by authority of this Article. It may or may not be located within the City limits.

E. **"KENNEL"** - Any premises where four (4) or more ~~dogs or~~ canines over six (6) months

**Commented [BH1]:** General suggested edits throughout document:

- Choose between "canine" or "dog", unnecessary to list both

**Commented [JH2R1]:** I chose "canine" and made changes accordingly.

of age are kept boarded, bred, and/or offered for sale, or professionally boarded, groomed, and/or professionally trained.

[§4-611(E) amended by Ord. No. 11-05, effective July 21, 2011.]

F. **“RESTRAINT”** - An animal is under restraint for the purpose of this Article if it is restrained to the owner’s property by a fence, metallic chain or cable, or is under the supervision of a competent person by means of a leash, or is immediately obedient to voice or signal commands of said person.

G. **“ANIMALS AT LARGE”** - Any animal which is not effectively restrained within a fenced area or any animal which is permitted to be on any unfenced area without effectively being restrained from moving beyond such, as described in the definition of “restraint” here before defined.

H. **“ATTACK”** - Any unprovoked threatening or aggressive behavior of an animal which puts a person in fear of immediate bodily harm, or is directed towards another domestic animal.

I. **“DANGEROUS DOG”** – Any dog that has: (1) without provocation, inflicted substantial bodily harm on a human being on public or private property; (2) killed a domestic animal without provocation while off the owner’s property; or (3) been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

[CHAPTER 4, ARTICLE VI, § 4-611, Paragraph I (now Paragraph I), amended by Ord. No. 89-17, effective December 8, 1989, amended by Ord. No. 09-02, effective March 5, 2009.]

J. **“POTENTIALLY DANGEROUS DOG”** – Any dog that: (1) when unprovoked, inflicts bites on a human or a domestic animal on public or private property; (2) when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public property, other than the dog owner’s property, in an apparent attitude of attack; or (3) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

[CHAPTER 4, ARTICLE VI, § 4-611, Paragraph J (now Paragraph J), amended by Ord. No. 89-17, effective December 8, 1989, amended by Ord. No. 09-02, effective March 5, 2009.]

K. **“POTENTIALLY DANGEROUS ANIMAL”** - Any animal that: (1) when unprovoked, gores, butts, kicks, or inflicts bites on a human or domestic animal on public or private property; (2) when unprovoked, charges, chases, or approaches a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or (3) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

[§ 4-611 amended by Ord. No. 07-02, effective March 1, 200, amended by Ord. No. 11-05, effective July 21, 2011.]

**SECTION 4-612. VACCINATION REQUIRED.** Every ~~dog or~~ canine over six (6) months of age shall be vaccinated against rabies by a qualified licensed veterinarian. Every Owner is required to retain proof of vaccination for each ~~dog or~~ canine.

[§ 4-612 amended by Ord. No. 11-05, effective July 21, 2011.]

**SECTION 4-613. DOGS: IDENTIFICATION.** Every ~~dog or~~ canine shall be properly identified. It is the responsibility of the Owner to ensure that a ~~dog or~~ canine is identified in one of the following ways:

- (1) by a device, tag, or plate attached to the dog by a collar, harness, or device giving the name, address, and telephone number of the current Owner;
- (2) by an electronically activated identification device within or attached to the body of the dog through which the Owner can be promptly identified;

~~(3) by a number legibly tattooed on the thigh, abdomen, or ear of the dog through which the Owner can be promptly identified using information from official dog registries, city or county registries, veterinary hospital registries, or driver’s license records; or~~

Commented [BH3]: Outdated method of identification for dogs

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~~(4)~~(3) by a current rabies vaccination tag or other identification device or a city, county or veterinarian through which the Owner can be promptly identified.

[§ 4-613 amended by Ord. No. 11-05, effective July 21, 2011.]

**SECTION 4-614. RESERVED FOR FUTURE USE**

[§ 4-614 amended by Ord. No. 07-02, effective March 1, 2007, repealed by Ord. No. 11-05, effective July 21, 2011.]

**SECTION 4-615. RESERVED FOR FUTURE USE.**

[Repealed by Ord. No. 11-05, effective July 21, 2011.]

**SECTION 4-616. UNIDENTIFIED DOGS.** Any ~~dog or~~ canine found without identification shall be presumptive evidence that the Animal is unvaccinated. Whenever any ~~dog or~~ canine is found without identification, it shall be impounded in accordance with § 4-620 below.

[§ 4-616 amended by Ord. No. 11-05, effective July 21, 2011.]

**SECTION 4-617. REPORTS OF ANIMAL BITES.** It is the responsibility of every person to report a case of an Animal biting a human being or another domestic animal to the Animal Control Officer or local law enforcement agency.

**SECTION 4-618. BITING ANIMALS TO BE QUARANTINED.** Whenever any Animal that has bitten a person, or whenever a known or suspected rabid Animal is picked up by any agent of the City, such Animal shall be confined for a period of ten (10) days. Upon proof by the Owner of a current rabies vaccination, the Owner may quarantine the Animal at his/her residence. Such Animal shall not be permitted to come in contact with other animals or persons, and the Animal must be on a leash not exceeding four (4) feet in length when taken from the place of quarantine. If no proof of a current rabies vaccination is provided, or upon the decision of the Owner or Animal Control Officer, said Animal will be quarantined at the Animal Shelter or a licensed veterinary clinic for the term of the quarantine, at the expense of the Owner paid in advance. Said Animal shall not be removed from the place of quarantine without written permission from the City Council or the Animal Control Officer. If said Animal is not claimed at the completion of the quarantine, on day (11) claimed within fifteen (15) days following expiration of the quarantine period, then the Animal shall be disposed of in accord with § 4-622 below.

[§ 4-618 amended by Ord. No. 07-02, effective March 1, 2007.]

**SECTION 4-619A. DANGEROUS DOG.** The Anoka County Sheriff's Office or the Animal Control Officer shall have initial authority to determine whether a dog is a Dangerous Dog as defined in this Article and by Minn. Stat. § 347.50, as amended. Once the determination has been made, any prosecution of the matter shall be referred to the Anoka County Attorney pursuant to Minn. Stat. § 347.51, § 347.52, § 347.54 (1991), and § 347.541, as amended. As required by Minn. Stat. § 383E.25, the City is responsible for the registration of dangerous dogs pursuant to the procedures set forth in Minn. Stat. § 347.51.

[§ 4-619A, amended by Ord. No. 89-17, effective December 8, 1989, § 4-619A, amended by Ord. No. 92-2, effective April 17, 1992, amended by Ord. No. 09-02, effective March 5, 2009, amended by Ord. No. 12-01, effective April 5, 2012, amended by Ord. No. 14-02, effective May 1, 2014.]

**SECTION 4-619B. POTENTIALLY DANGEROUS ANIMAL OR POTENTIALLY DANGEROUS DOG.** The Anoka County Sheriff's Office or the Animal Control Officer shall have initial authority to determine whether an Animal is a Potentially Dangerous Dog or a Potentially

## City Code, Chapter 4: LICENSING

Dangerous Animal as defined in this Article and Minn. Stat. § 347.51, as amended. An Animal or Dog that has been deemed Potentially Dangerous shall be confined according to § 4-624. Notice will be provided to the Owner that the Animal or Dog has been deemed Potentially Dangerous.

[§ 4-619B amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 12-01, effective April 5, 2012, amended by Ord. No. 14-02, effective May 1, 2014.]

**SECTION 4-620. IMPOUNDING.** Unconfined or unidentified ~~dogs and~~ canines and other Animals found at large as herein defined, shall be taken by the agents of the City and impounded in the Animal Shelter and there confined in a humane manner for a period of not less than five (5) working days and may thereafter be disposed of as provided in this Article and in Minnesota Statutes, Chapter 35.

[§ 4-620, amended by Ord. No. 89-17, effective December 8, 1989, § 4-620, amended by Ord. No. 92-2, effective April 17, 1992, amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 09-02, effective March 5, 2009, amended by Ord. No. 11-05, effective July 21, 2011.]

**SECTION 4-621. REDEMPTION.** Any Animal may be claimed within five (5) working days after impounding upon payment of an impounding fee ~~of \$25.00 as listed within the animal impound contract~~, plus the amount then being charged by the Animal Shelter for daily board and all other fees relating to such impoundment. City may also invoice owner to seek restitution for animal control fees associated with animal impoundment services as well as an administrative fee.

[§ 4-621 amended by Ord. No. 11-05, effective July 21, 2011.]

**Commented [BH4]:** Allow city to invoice owners to recover costs for animal control fees and add on an administrative fee for city staff time

**SECTION 4-622. DISPOSITION OF UNCLAIMED ANIMALS.** Any animal which is not Claimed within five (5) working days after impounding may be at the discretion of the Animal Shelter and/or Animal Control Officer, ~~be re-homed directly by the contracting animal shelter, transferred to an animal rescue organization, or humanely euthanized. Sold for a reasonable amount determined by the City Council or the Animal Shelter, to anyone desiring to purchase the Animal, if not requested by a licensed educational or scientific institution under Minnesota Statutes, Chapter 35. Any Animal which is not claimed by the Owner or sold shall be painlessly killed.~~

[§ 4-622, amended by Ord. No. 89-17, effective December 8, 1989, § 4-622, amended by Ord. No. 92-2, effective April 10, 1992, amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 09-02, effective March 5, 2009.]

**SECTION 4-623. INTERFERENCE.** No person shall break open the Animal Shelter, ~~or attempt to do so, or take or let any Animals therefrom, or take or attempt to take from any Animal Control Officer or Poundkeeper~~, any Animal taken up and impounded in compliance with this ordinance, ~~or in any manner~~ interfere with or hinder the Animal Control Officer in discharge of his/her duties in any manner.

**SECTION 4-624. CONFINEMENT OF ANIMALS.**

A. **All Animals Generally.** All Animals shall be confined to the Owner's premises by training, fencing, leashing, or other Restraint.

B. **Females in Heat.** Every female Animal in heat shall be confined in such a manner that such female cannot come in contact with another Animal except for intentional breeding purposes.

C. **Public Places.** All Animals shall be on a leash or tether or confined in a vehicle while on any public street or public places such as parks, school grounds, or play grounds. Animals confined to a vehicle must not be in violation of Minnesota Statute 346.57 Dogs and Cats in Motor Vehicles.

D. **Sporting Dogs.** Dogs being used for lawful sport shall at all times be under the control of its Owner or handler, either by leash, humane electronic collar, or voice command.

E. **Dangerous Dogs.** Dangerous Dogs shall be confined and restrained in accordance with Minn. Stat. § 347.50 through § 347.54, as amended.

[§ 4-624, Paragraph E, amended by Ord. No. 89-17, effective December 8, 1989, amended by Ord. No. 09-02, effective March 5, 2009.]

F. **Potentially Dangerous Dog or Potentially Dangerous Animal.** A dog or Animal

**City Code, Chapter 4: LICENSING**

adjudicated by the City Council to be a Potentially Dangerous Dog or a Potentially Dangerous Animal shall be confined by Restraint so that the dog or Animal will unlikely be able to inflict injury or bodily harm on humans or other animals.

[§ 4-624 amended by Ord. No. 89-17, effective December 8, 1989, amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 09-02, effective March 5, 2009.]

**SECTION 4-625. DISTURBING THE PEACE.** It shall be unlawful for any person to own, keep, have possession of, or harbor any Animal which howls, yelps, barks, cries or makes any other noise to the reasonable annoyance of another person or persons. Any person violating this section, who upon first requested by a peace officer, Animal Control Officer or any other City agent to stop or prevent the annoyance, and refuses to comply with the request will be issued a citation or arrested in accordance with Minnesota Rules of Criminal Procedure, and, if the officer deems it necessary to stop the annoyance, he/she may have the Animal taken to the Animal Shelter. Any Animal placed in the pound will be held and/or released in accordance to the conditions set forth in § 4-620 through § 4-622 of this Article.

[§ 4-625 amended by Ord. No. 07-02, effective March 1, 2007.]

**SECTION 4-626. STOPPING AN ATTACK.** Any peace officer, Animal Control Officer, or agent of the City who is witness to an attack by an Animal upon a person(s) or another domestic Animal, shall terminate the attack and prevent further injury to the victim(s).

[§ 4-626 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 09-02, effective March 5, 2009.]

**SECTION 4-627. RESERVED FOR FUTURE USE**

[§ 4-627 amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 11-05, effective July 21, 2011.]

**SECTION 4-628. PROPER CARE AND TREATMENT.** Every Owner shall provide every Animal with sufficient food and water, proper shelter and protection from the weather as described in this section, and veterinary care as needed to prevent suffering and disease.

Animals listed in the Animal Units table in Section 7A-201, and other animals of any type with a typical adult weight exceeding 100 pounds, which graze, exercise, or are quartered outdoors, excluding dogs, shall be provided with an adequate outdoor area. An adequate outdoor area shall consist of at least 0.5 acres of tillable land per Animal Unit, enclosed to contain the animals, and freely available to the animals.

No person shall beat, treat cruelly, torment or otherwise abuse any Animal, or cause or permit any Animal fighting.

No Owner of any Animal shall abandon such Animal. ~~If Animal has been impounded, and the Owner is notified in writing or in person of such impoundment, and refuses to get the Animal released or make arrangements with the shelter, he/she shall be charged with abandonment.~~

Shelters for dogs and cats shall consist of a structure that is moisture proof, wind proof and of suitable size to comfortably accommodate the Animal and allow retention of body heat. It shall be made of solid floor raised at least four (4) inches off the ground and with the entrance covered by a flexible wind proof material or a self-closing swinging door. It shall also have sufficient quantity of suitable bedding material to provide insulation against the elements and to retain body heat. Domesticated farm animals shall be sheltered according to the generally accepted methods of animal husbandry.

[§ 4-628, amended by Ord. No. 01-03, effective May 17, 2001.]

**SECTION 4-629. NUISANCES.** Any person(s) owning or having under their control, or boarding or keeping on their property any dog(s) or other Animals shall be responsible for any nuisance created as defined in Section 5-500 of this Code.

**SECTION 4-630. RESERVED FOR FUTURE USE.**

[§ 4-630 amended by Ord. No. 07-02, effective March 1, 2007; repealed by Ord. No. 12-01, effective April 5, 2012.]

**SECTION 4-631. RECORDS.** The Animal Shelter shall keep proper records of the impoundment and

**Commented [BH5]:** Unlikely to be a chargeable offense specific to not reclaiming animal from impound

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disposition of all animals coming into custody.

The Animal Control Officer shall keep, or cause to be kept accurate and detailed records of all bite cases reported to him/her and his/her investigation reports of these cases. A duplicate copy of all reports shall be delivered to the City Clerk.

*[§ 4-631 amended by Ord. No. 07-02, effective March 1, 2007.]*

**SECTION 4-632. EXEMPTIONS.** Any Animal belonging to a non-resident shall be exempt from the vaccination requirements of this ordinance provided said Animal is not kept or harbored within the City limits for more than thirty (30) days and the Animal is kept under Restraint at all times.

The definitions of “Dangerous Dog” and “Potentially Dangerous Dog”, in § 4-611 shall not apply to an Animal under the control of or on duty with a law enforcement officer or to persons exempted under Minn. Stat. § 347.51, Subd. 5, as amended.

*[§ 4-632, amended by Ord. No. 89-17, effective December 8, 1989, amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 09-02, effective March 5, 2009, amended by Ord. No. 11-05, effective July 21, 2011.]*

**SECTION 4-633. SECURITY ANIMALS.** Business or residential security dogs must be confined to the premises by Restraint and notice shall be posted on the property that there is a guard dog on duty.

**SECTION 4-634. DESTRUCTION OF CERTAIN ANIMALS.** When an officer or agent of the City has reason to believe that an Animal presents a clear and immediate danger to residents of the City because it is infected with rabies or because it clearly represents a dangerous or vicious threat to the public, said Animal may be destroyed after reasonable attempts have been made to impound such Animal.

*[§ 4-634 amended by Ord. No. 07-02, effective March 1, 2007.]*

**SECTION 4-635. DOG KENNELS.** Any person(s) owning or having under their control, or boarding or keeping on their property four (4) or more dogs over the age of six (6) months shall apply to the City Council for a Dog Kennel Permit as defined in Section 7A-809 of this Code.

*[§ 4-635 amended by Ord. No. 92-2, effective April 17, 1992, amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 11-05, effective July 21, 2011.]*

**SECTION 4-636. PENALTY.** Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or imprisonment in accordance with the provisions of Chapter 1, Section 1-109 of this City Code.

*[§ 4-636 amended by Ord. No. 92-2, effective April 17, 1992, amended by Ord. No. 07-02, effective March 1, 2007.]*

**SECTION 4-637. CONFLICTING ORDINANCES.** All Articles or parts of articles in conflict herewith and all other Articles relating to licensing and control of Animals in the City of Columbus are hereby repealed.

*[§ 4-637 amended by Ord. No. 07-02, effective March 1, 2007.]*

**SECTION 4-638. SEPARATION OF PROVISIONS.** Each provision of this Article shall be separable from every other part or provision held invalid by any court of competent jurisdiction; such invalidity shall not affect the validity of any other part or provision hereof.

*[Sections 4-611 through 4-639, adopted by Ord. No. 88-3, effective April 21, 1989, amended by Ord. No. 07-02, effective March 1, 2007.]*  
*\*Ord. No. 88-3, Section 3, contained a typographical error indicating new code § 4-611 through § 4-639. Section 4-638 is the last code section adopted by Ord. No. 88-3.*

/s/ Barbara A. Masteller, Town Clerk

*[ARTICLE VII deleted by Ord. No. 98.7, effective July 23, 1998.]*

**ARTICLE VII**  
**TEMPORARY SALES LICENSE**

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**City Code, Chapter 4: LICENSING**


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**SECTION 4-700. APPLICATION OF ARTICLE I.** The provisions of Chapter 4, Article I, apply to the issuance of permits hereunder except that § 4-105 shall not apply.

*[Chapter 4, Article VII § 4-700 added by Ord. No. 06-03, effective June 15, 2006.]*

**SECTION 4-701. DEFINITIONS.**

- A. **“Temporary Sales”** means sales by any person, whether a resident of the City or not, who engages in selling goods, wares and merchandise in the City for less than 30 days per year. The 30 days may be nonconsecutive days. If the temporary sales license is for 30 nonconsecutive days, the license shall expire within 90 consecutive days from the date the license was issued.

*[Chapter 4, Article VII § 4-701 added by Ord. No. 06-03, effective June 15, 2006.]*

**SECTION 4-702. LICENSE REQUIRED.** No person shall permit temporary sales within the City of Columbus without having first secured a license to operate the same. The license shall be issued by the City Clerk after approval by the City Zoning Administrator as provided in § 4-102. The City Zoning Administrator may only issue the temporary sales license following the City Building Official and Fire Marshal review for compliance with the City Building Code.

*[Chapter 4, Article VII, § 4-702 added by Ord. No. 06-03, effective June 15, 2006, amended by Ord. No. 09-04, effective March 19, 2009.]*

**SECTION 4-703. COMMERCIAL ZONING DISTRICT REQUIRED.** All temporary sales operations must be at an established business location within a Commercial Zoning District. The Commercial Zoning Districts include: Community Retail (CR) District, Commercial/Showroom (C/S) District; Light Industrial (LI) District; and Commercial/Industrial (C/I) District.

*[Chapter 4, Article VII, § 4-703 added by Ord. No. 06-03, effective June 15, 2006.]*

**SECTION 4-704. REQUIREMENTS FOR TEMPORARY SALES LICENSE**

**APPLICATION.** Applications for licenses, permits and renewals shall be made in writing to the City Zoning Administrator. All applications must be submitted to the City Zoning Administrator 15 days prior to the start of the temporary sales license. The applications shall provide the following:

- A. The type of license or permit that the applicant seeks;
- B. The number of days for the temporary sales operation. If the temporary sales operation is for nonconsecutive days, the application must specify a timeframe for the license not to exceed 90 consecutive days;
- C. The name, address and telephone number of the applicant(s). The applicant must have a registered address within the State of Minnesota;
- D. The names, addresses and telephone numbers of the owners of the land;
- E. A written acknowledgment of consent by the owner of the land to the conducting of the temporary sales operation, if the owner of the land is not the applicant;
- F. Identification of the temporary sales location on the land;
- G. The applicant shall furnish evidence of a public liability insurance policy covering personal injury, including death, and claims for property damage. The insurance policy shall be a single limit public liability insurance policy in an amount not less than \$1,000,000.00. The insurance policy shall be in enforce and effect for all days of operation of the temporary sales license. Such policy shall be with a company licensed to do business in the State of Minnesota and shall provide for the saving harmless the City of Columbus from any and all liabilities or causes of action, which might arise by virtue of the granting of the permit or license to the applicant and the operation of the temporary sales operation;
- H. Verification that there are no obstructions on the land surrounding the temporary sales operation;
- I. Verification that any proposed tent structure is flame resistant;
- J. Any other licenses that may be required for the intended use, including, but not limited to, county and state required licenses; and

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K. Such other information as the City Zoning Administrator or City Council shall require.

*[Chapter 4, Article VII, § 4-704 added by Ord. No. 06-03, effective June 15, 2006.]*

**SECTION 4-705. CITY BUILDING OFFICIAL AND FIRE MARSHAL REVIEW.** Prior to issuing the license for temporary sales, all applications must be reviewed by the City Building Official and Fire Marshal for compliance with City Building Regulations.

*[Chapter 4, Article VII, § 4-705 added by Ord. No. 06-03, effective June 15, 2006, amended by Ord. No. 07-02, effective March 1, 2007, amended by Ord. No. 09-04, effective March 19, 2009.]*

**SECTION 4-706. LICENSE FEE.** The applicant is required to pay a \$50 license fee to the City Treasurer for the temporary sales license before the issuance of the license.

*[CHAPTER 4, ARTICLE VII, Section 4-706, added by Ord. No. 06-03, effective June 15, 2006.]*

## **ARTICLE VIII**

### **LAWFUL GAMBLING**

**SECTION 4-800. STATE GAMBLING LAW ADOPTED.** Except as they may conflict with the provisions of this Chapter, the provisions of Minnesota Statutes, Chapter 349, relating to the definition of terms, licensure and restrictions on gambling are adopted and made part of this Chapter as if set out in full herein.

*[CHAPTER 4, ARTICLE VIII, Section 4-800, added by Ord. No. 12-07, effective October 4, 2012.]*

**SECTION 4-801. GAMBLING PROHIBITED; EXCEPTION.** No person except an organization licensed by the Minnesota Gambling Control Board pursuant to Minnesota Statutes, Chapter 349, or an organization permitted under this Chapter, shall conduct lawful gambling within the corporate limits of the City of Columbus.

*[CHAPTER 4, ARTICLE VIII, Section 4-801, added by Ord. No. 12-07, effective October 4, 2012.]*

**SECTION 4-802. GENERAL REGULATIONS.** The following regulations and restrictions shall apply to lawful gambling conducted within the City and shall apply to organizations licensed by the Minnesota Gambling Control Board and to organizations issued permits pursuant to this Chapter.

- A. Location. Lawful gambling under license issued by the Minnesota Gambling Control Board, or by City Charitable Gaming Permit, may be conducted only at the following locations, except that no location shall be approved for gambling unless it complies with the applicable zoning, building, fire, and health codes of the City:
  1. In the organization's hall where it has its regular meetings. No organization shall rent, lease, or occupy, directly or indirectly, any other property for the purpose of conducting gambling, except an on-sale establishment as permitted in this Chapter;
  2. In licensed on-sale liquor, wine and beer establishments;
  3. Notwithstanding subsections 1 and 2 above, raffles may be approved for any property location; and
  4. Notwithstanding subsections 1 and 2 above, an organization may lease its hall where it has its regular meetings to no more than one (1) licensed organization, for the conduct of bingo only.
- B. Inspection. Prior to the issuance of the license, the building shall be inspected by the appropriate City officials.
- C. Prize Limits. Prize limits for lawful gambling shall not exceed the limits established by state law.
- D. Liquor. No sale, consumption, or possession of liquor, wine or three and two tenths (3.2)



malt liquor shall be permitted during gambling conducted by a licensed or permitted organization, except as permitted under a valid on-sale liquor, wine or three and two tenths (3.2) beer license.

E. Gambling Funds. No gambling funds shall be commingled with other organizational funds or with funds of an on-sale establishment.

F. Gambling Managers. All operation of gambling devices and the conduct of lawful gambling shall be under the supervision of a single gambling manager that is licensed by the Minnesota State Gambling control Board, or, in the case of excluded or exempt events, is designated by the organization. The gambling manager shall be responsible for gross receipts and profits from gambling devices and raffles and for its conduct in compliance with all laws and rules.

G. Time and place limitations. All such organizations shall comply with the requirements of state law as to the allowable number of bingo occasions and other time and place limitations, and such reasonable conditions and restrictions, including but not limited to, restrictions on the number of occasions and/or hours of operations, as may be imposed on the applicable bingo or gambling license.

H. Bingo halls. Bingo halls shall not be permitted.

[CHAPTER 4, ARTICLE VIII, Section 4-802, added by Ord. No. 12-07, effective October 4, 2012.]

#### **SECTION 4-803. STATE GAMBLING LICENSES.**

A. Notice of Application. Applicants for state-issued gambling licenses shall file notice of application with the city Administrator and apply for a Premises Permit. The Administrator shall investigate the applicant and shall report to the City Council in sufficient time so that the Council may consider the approval or disapproval within sixty (60) days. Applicants are responsible for providing the Administrator with all requested information requested, and failure to do so may be cause for the Council's disapproval.

B. Reports. A licensed organization shall file with the Administrator copies of all reports it is required to file with the Minnesota Gambling Control Board, and shall do so within seven (7) days of filing the report with the Board. Failure to comply with this provision may constitute grounds for disapproval of state gambling licenses by the City.

C. Owned/Leased Premises. A licensed organization conducting lawful gambling shall do so only on premises either owned by it or pursuant to a written lease agreement with the owner of the property. All leases shall comply with the provisions of Minnesota Statutes, Chapter 349, and the rules promulgated by the Minnesota Gambling Control Board. A copy of the lease agreements shall be filed with the City Administrator.

D. On-Sale Limitations. On-sale establishments shall be limited to one (1) licensed gambling organization at any one (1) time in the licensed premise and any rooms adjoining the premises under the same management. No lease shall be made with one (1) organization while another lease is in effect for the same on-sale establishment.

[CHAPTER 4, ARTICLE VIII, Section 4-803, added by Ord. No. 12-07, effective October 4, 2012.]

#### **SECTION 4-804. CITY PERMIT.**

A. City Permit Required. Lawful gambling by organizations not required to obtain a state license pursuant to Minnesota Statutes, Chapter 349 may be conducted in the City if the organization has been issued a City Charitable Gambling Permit.

B. Application. Application for a City Charitable Gambling Permit shall be made to the City Administrator, together with such additional information as required by the City Administrator. A separate application is required for each gambling event.

C. Fees. The organization shall pay a permit fee per event as established and adopted by the City through its fee schedule on an annual basis.

D. Types of Gambling. Permits for all classes of exempt gambling activities may be

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approved.

E. Compliance with state and local law. The organization shall comply with all statutory and local requirements for exempt organizations, including the sixty (60) day notice requirement to the City. The City Administrator, when granting a permit to an exempt organization, may waive the sixty (60) day notice requirement.

*[CHAPTER 4, ARTICLE VIII, Section 4-804, added by Ord. No. 12-07, effective October 4, 2012.]*

**SECTION 4-805. LOCAL GAMBLING TAX.** There is hereby imposed a tax on all lawful gambling conducted in the City of Columbus by organizations licensed by the Minnesota Gambling Control Board at the rate specified in this section.

A. An organization's receipts from lawful gambling that is exempt from licensing under Minnesota Statutes, Section 349.214 are not subject to the tax imposed by this section.

B. On all lawful gambling the tax is one (1) percent of the gross receipts of a licensed organization from lawful gambling less prizes actually paid out, payable by the organization.

C. The tax imposed by this section shall be paid on a monthly basis and shall be reported on a duplicate copy of the gambling tax return filed with the Minnesota Department of Revenue each month, without deletions or additions, and must contain the signatures of organization officials as required on the report form.

D. The tax return and payment of the tax due must be postmarked, or, if hand-delivered, received in the office of the city Administrator, or before the last business day of the month following the month for which the report is made. An incomplete tax return will not be considered timely filed unless corrected and returned by the due date for filing.

E. There shall be an interest charge of eight (8) percent per annum on the unpaid balance of all overdue taxes owed by an organization under this section.

*[CHAPTER 4, ARTICLE VIII, Section 4-805, added by Ord. No. 12-07, effective October 4, 2012, amended by Ord. No. 14-07, effective August 21, 2014, as amended by Ord. No. 16-04, effective February 25, 2016.]*

**SECTION 4-806. CITY OF COLUMBUS FUND ESTABLISHED.** There is hereby established a City of Columbus Fund (the "Fund"). The Fund is created pursuant to Minnesota Statutes, Section 349.213, Subdivision 1, to collect, administer, and disburse ten (10) percent of the net profits derived from lawful gambling.

A. The purpose of the fund is to enhance and improve the quality of life for Columbus residents. The fund will provide financial resources to charitable programs located within the City and/or to police, fire, and other emergency or public safety-related services, equipment, and training, excluding pension obligations.

B. The Fund shall be administered by the City Administrator based on allocations made annually by the City Council.

C. No costs of administration shall be charged to the Fund. All proceeds collected shall be disbursed under the provisions of this Section and in accordance with State law.

D. Every organization which receives funds from the Fund shall file an annual accounting indicating how the funds were spent.

E. Every organization which receives funds from the Fund shall be deemed to have consented to an audit of its books and records by the City to verify the proper use of the funds received.

*[CHAPTER 4, ARTICLE VIII, Section 4-806, added by Ord. No. 12-07, effective October 4, 2012, Section 4-806(D) amended by Ord. No. 15-04, effective September 10, 2015.]*

**SECTION 4-807. CONTRIBUTIONS OF NET PROFITS TO CITY OF COLUMBUS FUND.**

A. Every organization licensed by the Minnesota Gambling Control Board to conduct gambling in the City shall contribute ten (10) percent of its net profits from gambling to the City

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of Columbus Fund established in Section 4-806 of this Code. Net profits mean profits less amounts expended for allowable expenses.

B. Payments of ten (10) percent of net profits shall be made on a monthly basis and are due on the same day and manner as the duplicate tax returns and taxes collected and remitted to the City under Section 4-805.

C. The City shall disapprove of any pending application for renewal or original issue of a premises permit for any organization which fails to contribute ten (10) percent to the City of Columbus Fund.

[CHAPTER 4, ARTICLE VIII, Section 4-807, added by Ord. No. 12-07, effective October 4, 2012, amended by Ord. No. 13-02, effective April 4, 2013.]



*History of ordinances affecting the text of Chapter 4 (since codification on August 26, 1981):*

Ord. No. 86-3, effective February 21, 1986.  
 Ord. No. 88-3, effective April 21, 1989.  
 Ord. No. 89-17, effective December 8, 1989.  
 Ord. No. 88-3, effective April 21, 1989.  
 Ord. No. 92-2, effective April 17, 1992.  
 Ord. No. 98-7, effective July 23, 1998.  
 Ord. No. 01-03, effective May 17, 2001.  
 Ord. No. 06-03, effective June 15, 2006.  
 Ord. No. 07-02, effective March 1, 2007.  
 Ord. No. 07-05, effective December 20, 2007.  
 Ord. No. 08-04, effective April 3, 2008.  
 Ord. No. 09-02, effective March 5, 2009.  
 Ord. No. 09-04, effective March 19, 2009.  
 Ord. No. 11-05, effective July 21, 2011.  
 Ord. No. 12-01, effective April 5, 2012.  
 Ord. No. 12-07, effective October 4, 2012.  
 Ord. No. 13-02, effective April 4, 2013.  
 Ord. No. 13-03, effective August 1, 2013.  
 Ord. No. 14-02, effective May 1, 2014.  
 Ord. No. 14-07, effective August 21, 2014.  
 Ord. No. 15-04, effective September 10, 2015.  
 Ord. No. 16-04, effective February 25, 2016.  
 Ord. No. 18-01, effective May 31, 2018.

*This Chapter has been updated through the date of the latest ordinance listed above.*

4818-5410-9719, v. 3



**TO:** Mayor of Columbus and the Columbus City Council

**FROM:** Connor Keith, Public Communications Coordinator

**DATE:** Wednesday, November 9, 2022

**SUBJECT:** Columbus Applicants for Rice Creek Watershed District Board of Managers

During the October 12, 2022, City Council meeting, it was the Council's direction to promote the upcoming vacancy on Rice Creek Watershed District's (RCWD) Board of Managers. The open seat's term will begin January 17, 2023, and will conclude in January 2026.

While the Anoka County Board of Commissioners is ultimately the appointing body for this seat, cities can compile their own lists of nominees to submit to the Board of Commissioners.

Within the mailed postcard, City Council asked interested parties to not only apply for nomination through Anoka County's website, but also to request nomination from the Council at tonight's meeting. The following list of applicants have requested nomination from the City:

- David Povolny of 16731 Potomac St. NE (awaiting copy of submitted application)
- Steven Ray of 14765 Anson St. NE (copy of submitted application has been received by City Staff)

## Connor Keith

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**From:** Steven Ray <mpc5927@yahoo.com>  
**Sent:** Thursday, October 27, 2022 5:41 PM  
**To:** Connor Keith  
**Subject:** Fwd: Online Form Submittal: Anoka County Committee Appointments Application

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sent from my iPhone

Begin forwarded message:

**From:** noreply@civicplus.com  
**Date:** October 27, 2022 at 5:34:45 PM CDT  
**To:** MPC5927@yahoo.com  
**Subject:** Online Form Submittal: Anoka County Committee Appointments Application

### Anoka County Committee Appointments Application

**\*\*information on this application may become public\*\***

First Name	Steven
Last Name	Ray
Date Submitted	10/27/2022
Address	14765 Anson St NE, Columbus Mn 55025
Phone	6128490322
Fax	<i>Field not completed.</i>
E-mail	mpc5927@yahoo.com
Business Name	<i>Field not completed.</i>
Business Address	<i>Field not completed.</i>
Business Phone	<i>Field not completed.</i>
Business Fax	<i>Field not completed.</i>
Business E-mail	<i>Field not completed.</i>

Board/Commission applying for: Rice Creek Watershed District

Your county commissioner: District 6 - Jeff Reinert

Find your commissioner here: [MN Pollfinder](#)

Personal background: Lived in Shoreview Mn for 32 years. Moved to Columbus this spring. Have a degree in journalism and have worked in a variety of marketing and writing positions. I am currently retired but drive autistic kids to school.

Experience relating to position: I have been on the bike trails committee for Shoreview and currently serve as a member of the park board for Columbus. I am very familiar with rice creek and the surrounding area as I have walked many of the trails plus kayaked the creek several times.

Describe why you are interested in the position: I believe this area is a local treasure and would like to be able to help preserve it for generations to come.

For more information, contact Brenda Vetter at 763-324-4711 or [brenda.vetter@co.anoka.mn.us](mailto:brenda.vetter@co.anoka.mn.us)



**TO: Mayor & City Council Members**

**FROM: Elizabeth Mursko, City Administrator**

**DATE: November 9, 2022**

**RE: Internal Fund Transfers – September 30, 2022**

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During the 2021 Audit, City finances were reviewed, and the City Finance department recommends the following Fund Transfers:

**Action:**

Transfer Cash of \$30,000 from Fire Hall Fund 142-4230-7200 to Fire Hall Capital Fund 402-4936-3923  
(Need to Correct transfer in 2000)

Transfer Cash of \$40,000 from Parkland Fund 404-4936-7200 to Park Capital Fund 403-4936-3923  
(Proceeds Hagert)

Transfer Cash of \$15,000 from Parkland Fund 404-4936-7200 to Fire Hall Capital Fund 402-4936-3923  
(Proceeds Hagert)

Transfer Cash of \$24,508 from Parkland Fund 404-4936-7200 to General Capital Fund 100-4936-3923  
(Proceeds Hagert)

Transfer Cash of \$20,000 from GL481-10200 to Blacktop Fund 125-4936-3923 (Proceeds Caribou)

Transfer Cash of \$7,000 from GL481-10200 to General Fund 100-4936-3923 (Proceeds Caribou)

Transfer Cash of 219,021.06 from 340-4700-7236 to Bond Fund 377-XXXX-XXXX (Closing Fund Refunding)

Transfer Cash of \$147,761.06 from 350-4700-7200 to Bond Reserve Fund 375-4936-3923  
(Closing Fund Refunding)

The following transfer is reflective of the EDA Resolution 22-01 to use proceeds from HRA-EDA Levy

**Action:**

Transfer Cash of \$66,675 from EDA-HRA Fund 241-4700-7236 to 2021A Bond Fund 377-XXXX-XXXX

Transfer Cash of \$28,000 from EDA-HRA Fund 241-4700-7236 to Blacktop Fund 125-4936-3923

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**Proposed Motion:**

**Approve all transfer action items listed in the memo dated 11.09.2022 effective 09.30.2022.**

## City of Columbus Calendar of Meetings

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### November 2022

Sunday	Monday	Tuesday	Wed.	Thursday	Friday	Saturday
6	7	8 <b>Election Day</b>	9 <b>6:30 pm CC Mtg.</b>	10	11 <b>Offices Closed Veteran's Day</b>	12
13	14	15 <b>5:30 pm Park Board Mtg.</b>	16 <b>5:30 pm Bd of Canvass 6:00 pm CC &amp; PC Mtg.</b>	17	18	19
20	21 <b>6:30 pm CC Mtg.</b>	22	23	24 <b>Offices Closed Thanksgiving</b>	25 <b>Offices Closed Thanksgiving</b>	26