

**ORDINANCE NO. 333
SECOND SERIES
CITY OF ST. FRANCIS
ANOKA COUNTY, MINNESOTA**

**AN EMERGENCY INTERIM ORDINANCE TEMPORARILY PROHIBITING
THE ISSUANCE OF NEW LICENSES TO SELL TOBACCO PRODUCTS IN THE CITY**

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ST. FRANCIS,
MINNESOTA, ORDAINS:

SECTION 1. FINDINGS.

1. The City Council determines there is a need to study its regulations regarding retailers and their sales of tobacco-related products in the community.
2. The City also recognizes a need to update its tobacco regulations to keep pace with recent changes in both federal and state laws, especially in response to new laws regarding cannabis, THC, hemp, and other related cannabinoid products.
3. The City Council is authorized to adopt an interim ordinance “to regulate, restrict, or prohibit any use . . . within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective.” Minnesota Statutes, section 462.355, subdivision 4(a).
4. The City Council regulates the sale of tobacco-related products through its program of business licensing in Chapter 6, Section 4 of the existing St. Francis City Code.
5. The Minnesota Supreme Court in *Almquist v. Town of Marshan*, 245 N.W.2d 819 (Minn. 1976) upheld the enactment of a moratorium despite the lack of express statutory authority as being a power inherent in a broad legislative grant of power to municipalities. In most cases, the enactment of business licensing requirements is based on a city’s police powers, which is the broadest grant of power to cities. Inherent in that broad grant of authority is the power to temporarily place a moratorium on a business activity to study and potentially implement licensing regulations on that business activity.
6. In order to protect the planning process and the health, safety, and welfare of the residents while the City conducts a study the sale of tobacco-related products, the City Council determines it is in the best interests of the City to impose a temporary moratorium on the issuance on tobacco licenses to allow the City time to complete its study, determine how such sales and uses should be regulated under the City Code, and to draft and enact such legislative updates as needed.

SECTION 2. INTENT:

The City Council is directing staff to complete an in-depth study of the Official Controls (as defined in Minnesota Statutes § 462.352, Subd. 15) that are applicable within the City related to issuing licenses for the sale of Tobacco Products and also regulated pursuant to Chapter 6, Section 4 of the St. Francis City Code. The City Council is further directing staff to propose such amendments to such Official Controls and City Code license requirements that City staff deems necessary.

It is the intent of this ordinance to allow the City of St. Francis the time needed to complete this in-depth study concerning changes in official controls within the City and in the interim to protect the planning process and the health, safety, and welfare of the citizens of the community.

SECTION 3. TEMPORARY PROHIBITION ON NEW LICENSES:

Pending the completion of the above referenced study and adoption of appropriate official controls, no approval will be granted for any new tobacco licenses issued pursuant to City Code Chapter 6 Section 4, et seq.

Furthermore, ending the completion of the above referenced study and adoption of appropriate official controls, in order to protect the planning process related to the locations of premises where tobacco products may be sold within the City, a moratorium is hereby imposed within the City to prohibit any business, person, or entity from within the jurisdictional boundaries of the City and no approval will be granted to any of the following, as they relate to applications for new tobacco licenses: Changes in official controls; comprehensive municipal plan amendments; plats; subdivisions; conditional use permits; interim use permits; variances; site plan approval; building permits for new buildings and structures; building permits that result in the expansion of the footprint or floor area of an existing building or structure.

SECTION 4. EXEMPTIONS:

This ordinance shall not apply to persons or entities holding a tobacco license that was valid as of September 16, 2024. Such tobacco licenses may be renewed pursuant to standard City process. Specifically, the moratorium imposed by this Ordinance does not apply to the following:

1. Renewal of a tobacco license for a Tobacco License lawfully existing prior to the effective date of this Ordinance; and
2. The continued sale of tobacco products by a business with a valid tobacco license lawfully existing prior to the effective date of this Ordinance.

3. Any completed tobacco license application for a tobacco license submitted to the City on or before the effective date of this Ordinance. Any license or permit application submitted and received prior to the effective date of this Ordinance, but deemed incomplete by the City, shall be returned to the applicant, along with the application fee, and no resubmission of such license or permit application shall be accepted during the moratorium.

SECTION 5. ENFORCEMENT.

The City may enforce this Ordinance by mandamus, injunctive relief, or other appropriate civil remedy in any court of competent jurisdiction. The City Council hereby authorizes the City Administrator, in consultation with the City Attorney, to initiate any legal action deemed necessary to secure compliance with this Ordinance. A violation of this Ordinance is also subject to the City's general penalty listed in St. Francis City Code § Sec. 1-1-9.

SECTION 6. TERM. Unless earlier rescinded by the City Council, the moratorium established under this Ordinance shall remain in effect until twelve (12) months from its effective date, at which point, it will automatically expire.

SECTION 7. SEVERABILITY. Should any section, subdivision, clause, or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective 24 hours after its adoption and posted in three (3) conspicuous places in the newspaper, or until the Ordinance has been published in the official newspaper.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS ___ DAY OF SEPTEMBER 2024.

APPROVED:

Joseph Muehlbauer

Mayor of St. Francis

ATTEST:

Jennifer Wida

City Clerk