

**LAMBERTON CITY COUNCIL
WORK SESSION • CITY HALL
December 10, 2024 • 6:00 P.M.**

1. CALL TO ORDER/ADOPT AGENDA/CEREMONIAL DUTIES

A. Additions/Deletions to Agenda

2. GENERAL BUSINESS

A. Ordinance Review

1. Chapter 3 – On & Off Sale Liquor Licensing
2. Chapter 15 – Parking
3. Chapter 12 - Tree & Wood Storage
4. Chapter 16 – Cannabis Regulation

3. NEXT MEETING DATES

A. Regular Council Meeting January 13, 2025 at 6:30 PM

4. ADJOURNMENT

Current Ordinances can be found at: <https://www.lambertonmn.com/ordinances>
City website under Government – then Ordinances

CHAPTER 9: SALE AND CONSUMPTION OF INTOXICATING LIQUOR

Section 1: Definitions

As used in this ordinance, the terms defined in this section shall have the following meanings ascribed to them:

Beer - Malt liquor containing not more than 3.2% of ethyl alcohol by weight.

Intoxicating liquor - Refer to "liquor."

Liquor - Ethyl alcohol, and any distilled, fermented, spirituous, vinous or malt beverage containing in excess of 3.2% of ethyl alcohol by weight.

Nonintoxicating malt liquor – Refer to "beer."

"Off sale" - Sale of liquor or beer in original packages in drugstores, general food stores and exclusive liquor stores, for consumption off or away from the premises where sold.

"On sale" - Sale of liquor or beer by the glass (or by the bottle or can in the case of malt beverages) or by the drink for consumption on the premises where sold.

Original Package - Any container or vessel holding liquor or beer which is sealed shut and has not been opened since being first filled.

Section 2. Provisions of State Law Adopted

The provision of Minnesota statutes, Chapter 340A, relating to the definition of terms, licensing, consumption, sales, conditions of bonds of licensees, hours of sale and all other matters pertaining to the sale, distribution, and consumption of intoxicating liquor are adopted and made a part of this ordinance as if set out in full.

Section 3: License Required

A. License Requirement

No person, except a wholesaler or manufacturer to the extent authorized under state law shall, directly or indirectly, on any pretense or by any device sell, deal in, barter, keep for sale, gift, or otherwise dispose of intoxicating liquor in the city without a license to do so as provided in this ordinance. Licenses shall be of three kinds: (1) Regular "on-sale"; (2) Off-Sale; (3) Temporary "On-Sale".

B. On-Sale Licenses

"On-sale" licenses shall be issued only to hotels, restaurants, bowling centers, clubs, or congressionally chartered veteran's organizations provided that the organization has been in existence for at least three years and liquor sales will only be to members and bona fide guests and exclusive liquor stores and shall permit the sale of alcoholic beverages for consumption on the premises only. Any person licensed to sell intoxicating malt beverages at "on-sale" shall not be required to obtain and "on-sale" non-intoxicating liquor license and may sell non-intoxicating malt beverages at "on-sale" without further license.

C. Off-Sale Licenses

"Off-sale" licenses shall be issued to exclusive liquor stores and shall permit the sale of alcoholic beverages in original packaging for consumption off the licensed premises only. Any person licensed to sell intoxicating liquor

at “off-sale” shall not be required to obtain an “off-sale” license for the sale of non-intoxicating malt beverages and may sell non-intoxicating malt beverages at “off-sale” without further license.

D. Temporary License

“Temporary” licenses shall be issued to a club or charitable, religious, or nonprofit organization may be issued a temporary on-sale license for the sale of 3.2 percent malt liquor.

E. Sunday On-Sale Licenses

Sunday On-Sale intoxicating liquor license may be issued only to a restaurant, club, bowling center, or hotel which meets all of the following requirements:

1. have seating capacity of at least 30 persons,
2. holds an on-sale intoxicating liquor license,
3. serves liquor only in conjunction with the service of food.

Section 4: Application for License

A. Form

Every application to sell liquor shall state the name of the applicant, his age, representations as to his character, with such references as the council may require, his citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long he has been in that business at that place, and such other information as the council may require from time to time. In addition to containing such information, the application shall be in the form prescribed by the commissioner of public safety and shall be verified and filed with the city clerk. No person shall make a false statement in an application.

B. Liability Insurance.

Prior to the issuance of a liquor license, the applicant shall provide their liquor liability insurance certificates that corresponds to the license period being applied for.

Liquor Liability Insurance must have the following coverage at a minimum:

- a. Fifty thousand dollars (\$50,000.00) resulting in bodily injury to any one person in any one occurrence, and
- b. Subject to the limit for one person expressed in paragraph (a) above, One hundred thousand dollars (\$100,000.00) resulting in bodily injury to two or more persons in any one occurrence, and
- c. Ten thousand dollars (\$10,000.00) resulting in injury to or destruction of property of others in any one occurrence, and
- d. Fifty thousand dollars (\$50,000.00) for loss of means of support of any one person in any one occurrence and, subject to the limit for one person, One hundred thousand dollars (\$100,000.00) for loss of means of support of two or more persons in one occurrence; and
- e. Shall comply with the provisions of Minnesota Statutes, Section 340A.409 relating to liability insurance policies.

C. Licenses Fees.

The annual fees for all licenses shall be established annually in the Fee Schedule and passed by resolution. Each application for a license shall be accompanied by payment in full of the license. All fees shall be paid into the general fund. If an application for a license is rejected, the treasurer shall refund the amount paid as the license fee.

D. Term

Each license shall be issued for a period of one year except that if the application is made during the license year, a license may be issued for the remainder of the year for a prorated fee, with any unexpired fraction of a month being counted as one month. Every license shall expire on the last day of December.

E. Refunds.

No refund shall be made except as authorized by statute.

F. Granting of Licenses.

a. Investigation & Hearing

The City Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After such investigation and hearing, the council shall grant or refuse the application in its discretion.

b. Person and Premises Licensed Transfer

Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without city council approval.

c. Persons Ineligible for License

No license shall be granted to or held by any person who:

- Is not a citizen of the United States or a resident alien;
- Has been convicted of a willful violation of a federal or state law or local ordinance governing the manufacture, sales, distribution, or possession for sale or distribution of intoxicating or non-intoxicating malt liquors;
- Has had an intoxicating liquor or non-intoxicating liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any person is in any manner interested;
- Is not of good moral character and repute;
- Is not the proprietor of the establishment for which the license is issued;
- Is not a resident of the city; or
- Is under 19 years of age.

No license shall be issued for any place or any business ineligible for such a license under state law.

No license shall be granted for operations on a premises for which taxes, assessments, or other financial claims of the city are delinquent or unpaid.

G. Conditions of License

Every License shall be granted subject to the following conditions and all other provisions of this ordinance and of any other ordinance of the city or state law.

- a. No beer shall be sold or served to any person under 21 years of age.
- b. No person may sell, give, furnish, or in any way procure for another alcoholic beverages for the use of an obviously person.
- c. No manufacturer or wholesaler of beer shall have any ownership or interest in an establishment licensed to sell at retail contrary to the provisions of Minnesota Statutes Section 340A.301, Subdivision 7. No retail licensee

- and manufacturer or wholesaler of beer shall be parties to any exclusive purchase contract. No retail licensee shall receive any benefits contrary to law from a manufacturer or wholesaler of beer and no such manufacturer or wholesaler shall confer any benefits contrary to law upon a licensee.
- d. No licensee who is not also licensed to sell intoxicating liquor and who does not hold a consumption and display permit shall sell or permit the consumption or display of intoxicating liquors on the licensed premises or serve any liquids for the purpose of mixing with intoxicating liquors. The presence of intoxicating liquors on the premises of such a licensed premises of such a licensee shall be prima facie evidence of possession of intoxicating liquors for the purpose of sale; and the serving of any liquid for the purpose of mixing with intoxicating liquors shall be prima facie evidence that intoxicating liquor is being permitted to be consumed or displayed contrary to this ordinance.
 - e. Every licensee shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order. The act of any employee on the license premises authorized to sell or serve beer shall be deemed the act of the licensee as well as the licensee shall be liable for all penalties provided by this ordinance equally with the employee.
 - f. No persons under 18 years of age shall sell or serve such beer for consumption on the premises described in an "on-sale" license, and no "on-sale" licensee shall cause, suffer, or permit any person under 18 years of age to sell or serve beer for consumption on the premises as described in the license of such licensee.
 - g. All licensed premises shall have the license thereof posted in a conspicuous place at all times.
 - h. In any place licensed for "on-sale" all windows in front of any such place shall be in clear glass and the view of the whole interior shall be unobstructed by screens, curtains, or partitions. There shall be no partitions, stalls, screens, curtains, or other devices which shall obstruct the view of any part of said room from the general observation of persons in said room; provided however, that partitions, subdivisions or panels not higher than 42 inches from the floor shall not be construed as to conflict with the forgoing.

H. Closing Hours

No sale of beer shall be made on any Sunday between the hours of 1:00 am and 12:00 noon. No sale shall be made between the hours of 1:00 am and 8:00 am on any other day. The premises for which an "on-sale" license is granted shall be closed to the public no later than 1:30 am on any day and no individuals, except for the licensee and/or his employees, shall be present on the premises when closed.

I. Restrictions on Purchase and Consumption.

It shall be unlawful for any:

- Licensee or his employee to sell or serve beer to any person under the age of 21 years or to permit any person under the age of 21 years to consume beer on the licensed premises;
- Person other than the parent or legal guardian to procure beer for any person under the age of 21 years;
- Person to induce a person under the age of 21 years to purchase or procure beer;
- Person under 21 years of age to misrepresent his age for the purpose of obtaining beer;
- Person under the age of 21 years to consume. Or possess with intent to consume, any beer in violation of M.S.A. 340A.503, Subdivision 1, Subsection (2) and Subdivision 3.

Subdivision 2. Other persons Excepted. A person who was born on or before September 1, 1967, may continue to purchase and consume alcoholic beverages and shall be treated for purposes of Minnesota Statutes, Chapter 340A, as a person who is 21 years old.

Subdivision 3. Consumption Prohibited-Where. No beer shall be consumed in any theater, recreation hall or center, dance hall, ball park, or other place of public gathering used for the purpose of entertainment, amusement or playing of games, except under the terms of a Temporary "on-sale" license.

Subdivision 4. Liquor Consumption and Display. No person shall consume or display any beer on the premises of a licensee who is not also licensed to sell beer or who does not hold a consumption and display permit.

Section 5: Penalty

Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$700 or imprisonment in the county jail for not more than 90 days, or both, plus the cost of prosecution in any case.

Section 6: Repeal

Ordinance No. 60 is hereby repealed in its entirety.

Ordinance No. 129 is hereby repealed in its entirety.

Ordinance No. 130 is hereby repealed in its entirety.

Ordinance No. 132 is hereby repealed in its entirety.

Ordinance No. 158 is hereby repealed in its entirety.

Section 7: Liquor Ordinance History Adoption & Updates

This ordinance shall become effective upon its passage and publication as provided by law.

Passed by the Lamberton City Council on this _____ day of _____, 2024

Lydell Sik, Mayor

Valerie Halter, Clerk

CHAPTER 12: TREES / WOOD STORAGE

Section 1: Definitions

As used in this ordinance, the terms defined in this section shall have the following meanings ascribed to them:

Boulevard: The area between the curb and sidewalk, or the area extending five feet from the edge of the street where no sidewalk exists.

Diseased Tree: Any tree infected with a condition, such as Dutch elm disease or emerald ash borer, that poses a threat to other trees.

Public Right-of-Way: Land reserved for public infrastructure, including boulevards and utility easements.

Hazardous Tree: A tree that, due to its condition, poses a risk to public safety or property.

Section 2: Boulevard Tree Regulations

1. **Prohibition on Planting:** No person shall plant trees or large shrubs in the boulevard or public right of way.
2. **Removal Policy:**
 - a. **City Responsibility:** The city will remove trees in the boulevard at its own expense if they are deemed hazardous or diseased.
 - b. **Homeowner Requests:** If a homeowner requests the removal of a boulevard tree that does not pose a safety concern, the removal will be at the homeowner's expense.

Section 3: Diseased or Hazardous Trees

1. **Inspection and Identification:** The City will inspect trees on both public and private property suspected of being diseased or hazardous.
2. **Notification:** If a tree on private property is deemed hazardous or diseased, the homeowner will receive a written notice requiring removal within 30 days.
3. **Failure to Comply:** If the homeowner fails to remove the tree within the specified period, the City may remove it and assess the cost to the homeowner's property taxes.

Section 4: Homeowner Responsibilities

1. **Tree Maintenance:** Homeowners are responsible for the maintenance, care, and removal of trees on their property, including those that may become diseased or hazardous.
2. **Overhanging Branches:** Homeowners must ensure that branches from trees on their property do not obstruct sidewalks, streets, or public infrastructure.
3. **Sidewalks:** Homeowners are responsible for the repair or replacement of sidewalks affected by tree roots from trees located on their private property. Any necessary repairs must ensure the sidewalk remains safe for public use.

Section 5: Wood Storage

1. **Permitted Storage:** Homeowners may store wood outdoors for personal use, such as wood-burning stoves or fire pits, provided it adheres to the following conditions:
 - a. Location: Wood must be stored in the rear or side yard, at least five (5) feet from any property line, and not in the boulevard or front yard.
 - b. Stacking Requirements: Wood piles must be neatly stacked and not exceed six (6) feet in height.
 - c. Ground Clearance: Stored wood must be elevated at least six (6) inches off the ground to prevent pest infestation and decay.
2. **Prohibited Storage:**
 - a. Debris and Waste: Brush, tree limbs, and yard waste may not be stored as firewood.
3. **Public Health and Safety:**
 - a. Inspection Rights: The City reserves the right to inspect outdoor wood storage for compliance with this ordinance.
 - b. Corrective Action: Homeowners will be notified of violations and must correct them within 14 days. Failure to comply may result in fines or removal of the wood at the homeowner's expense.

Section 6: Tree Varieties

The City of Lambertton encourages homeowners to plant a diverse variety of trees. This helps protect the community's tree canopy by reducing the risk of widespread tree loss during disease outbreaks or infestations.

Section 6: Enforcement and Penalties

1. **Enforcement Authority:** Employees or law enforcement of the City of Lambertton.
2. **Penalties:** Violation of this ordinance may result in fines, liens, or other penalties as determined by the City Council.

Section 7: Repealed Tree Ordinances

That Ordinance No. 118 is hereby repealed in its entirety.

Any prior ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 8: Tree Ordinance History Adoption & Updates

This ordinance shall become effective upon its passage and publication as provided by law.

Passed by the Lambertton City Council on this _____ day of _____, 2024

Lydell Sik, Mayor

Valerie Halter, Clerk

CHAPTER 15 : PARKING

Section 1: Definitions

As used in this ordinance, the terms defined in this section shall have the following meanings ascribed to them:

Abandoned Vehicle – A vehicle, recreational or otherwise, that as remained on any street or highway longer than eighty (80) hours or any vehicle, recreational or otherwise, that is missing essential parts to make it functional including tires that hold air.

Alleyway - "Alleyway" means a private or public passage or way located in a municipality and which (1) is less than the usual width of a street, (2) may be open to but is not designed primarily for general vehicular traffic, (3) intersects or opens to a street, and (4) is primarily used for the ingress and egress or other convenience of two or more owners of abutting real properties.

Commercial Motor Vehicle - "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

1. has a gross vehicle weight of more than 26,000 pounds;
2. has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;
3. is a bus;
4. is of any size and is used in the transportation of hazardous materials that are required to be placarded under Code of Federal Regulations, title 49, parts 100-185; or
5. is outwardly equipped and identified as a school bus, except for type A-I and type III.

Crosswalk - "Crosswalk" means (1) that portion of a roadway ordinarily included with the prolongation or connection of the lateral lines of sidewalks at intersections; (2) any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Gross Vehicle Weight - "Gross vehicle weight" means the greater of:

1. the unloaded weight of a vehicle or the unloaded weight of a truck-tractor and semitrailer combination, plus the weight of the load; or
2. the value specified by the manufacturer as the maximum gross weight or gross vehicle weight rating.

Intersection.

- a) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- b) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Motor Vehicle.

- a) "Motor vehicle" means every vehicle which is self-propelled.
- b) Motor vehicle does not include an electric-assisted bicycle, an electric personal assistive mobility device, or a vehicle moved solely by human power.

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One-Way Roadway - "One-way roadway" means a street or roadway designated and signposted for one-way traffic and on which all vehicles are required to move in one indicated direction.

Owner - "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

Parking – Parking shall mean leaving a motor vehicle or any recreational vehicle for a temporary time.

Private Road or Driveway - "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Recreational Camping Vehicle - refers to any:

- a) Travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, identified "travel trailer" by the manufacturer.
- b) Pickup coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, or vacation.
- c) Motor home means a portable, temporary building to be used for travel, recreation or vacation, constructed as a self-propelled vehicle.
- d) Camping trailer means a folding structure, mounted on wheels and designed for travel, recreation or vacation uses.

Recreational Truck-Tractor - "Recreational truck-tractor" means a truck-tractor with a gross vehicle weight rating of not more than 24,000 pounds, that is designed exclusively or adapted specifically to tow a semitrailer coupled by means of a fifth-wheel plate and kingpin assembly.

Recreational Vehicle Combination

- a) "Recreational vehicle combination" means a combination of vehicles consisting of a full-size pickup truck or a recreational truck-tractor attached by means of a kingpin and fifth-wheel coupling to a middle vehicle which has hitched to it a trailer.
- b) For purposes of this subdivision, a "kingpin and fifth-wheel coupling" is a coupling between a middle vehicle and a towing full-size pickup truck or a recreational truck-tractor in which a portion of the weight of the towed middle vehicle is carried over or forward of the rear axle of the towing pickup.

Right-of-way - "Right-of-way" means the privilege of the immediate use of highway.

Semitrailer - "Semitrailer" means a vehicle of the trailer type so designed and used in conjunction with a truck-tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck-tractor and includes a trailer drawn by a truck-tractor semitrailer combination.

Service vehicle - "Service vehicle" means a motor vehicle owned and operated by a person, firm or corporation engaged in a business which includes the repairing or servicing of vehicles. The term also includes snow removal and road maintenance equipment not operated by or under contract to the state or a governmental subdivision.

Stand or standing - "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

Stop - "Stop" means complete cessation from movement.

Stopping - "Stopping" means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Storage – Vehicle, recreational vehicle, or trailer storage will be considered any vehicle, recreational vehicle, or trailer left in the same location for maintenance, repair, sale, or future use for more than 10 days.

Traffic - "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances, either singly or together, while using any highway for purposes of travel.

Trailer - "Trailer" means any vehicle designed for carrying property or passengers on its own structure and for being drawn by a motor vehicle but does not include a trailer drawn by a truck-tractor semitrailer combination or an auxiliary axle on a motor vehicle which carries a portion of the weight of the motor vehicle to which it is attached.

Truck - "Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property.

Truck-tractor - "Truck-tractor" means:

1. a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn; and
2. a motor vehicle designed and used primarily for drawing other vehicles used exclusively for transporting motor vehicles or boats and capable of carrying motor vehicles or boats on its own structure.

Unlicensed Vehicle – Any motor vehicle, trailer, or any other type of vehicle that does not possess a valid and current license, registration, or permit as required by applicable state or local laws.

Vehicle - "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

Section 2: Parking Regulation

A. General Parking Regulations

It is unlawful for any person to stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the specific directions of a police officer or traffic control device in any of the following places:

1. on a sidewalk or trailway;
2. in front of a public or private driveway or trailway;
3. within an intersection;
4. within ten feet of a fire hydrant or mailbox;
5. on a crosswalk;
6. within 20 feet of a crosswalk at any intersection;
7. 20 feet of an intersection;
8. in a signposted fire lane;
9. within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
10. within 50 feet of the nearest rail of a railroad crossing;
11. within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted;

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12. alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
13. on the roadway side of any vehicle stopped or parked at the edge or curb of a street;
14. at any place where official signs prohibit or restrict stopping, parking or both;
15. in any alley, except for loading or unloading and then only so long as reasonably necessary for such loading and unloading to or from adjacent premises;
16. on any boulevard which has been curbed.

B. Parking Zones

I think we need to define residential, commercial, business districts. Then say something about the council reserves the right to establish non parking zones on any street in any district.

C. Obedience to Signs

Obedience to signs and police officers. No person shall park a vehicle upon a street, highway, or roadway:

1. Where temporary signs are posted by the city reading "No Parking" as long as such signs are in place.
2. Where permanent signs are posted by the city reading "No Parking," nor shall any person park a vehicle in violation of the time limits set forth on the posted signs restricting the parking in the area.
3. When directed or ordered to proceed by any peace officer invested by law with authority to direct, control or regulate traffic.

This subdivision shall not apply to any city-owned vehicle.

D. Trailer Parking

Parking trailer or similar vehicle. No person shall leave or park a trailer or similar vehicle on any street or highway or right-of-way thereof for a continuous period in excess of 72 hours. I would also like to address width of trailered items – what's too big?

E. Handicap Parking Space

No person shall park or obstruct or occupy with any motor vehicle any parking space on public or private property designated and posted as parking for handicapped persons pursuant to section 5502 of the state building code as amended, unless the vehicle prominently displays an insignia or certificate thereon issued by the department of motor vehicles pursuant to Minn. Stats. § 169.345, subd. 3.

F. Recreation Camping Vehicle Parking

It is unlawful for any person to leave or park a recreational camping vehicle on or within the limits of any street or right-of-way for a continuous period in excess of 72 hours. Such vehicle shall not be occupied as living quarters.

G. Parking of Trucks and Commercial Vehicles

No person shall park a vehicle of a registered gross weight of 12,000 pounds or more, or any truck, trailer, semitrailer, truck-tractor, road tractor, or vehicle used to commercially haul garbage or rubbish, or any vehicle or combination of vehicles equipped with more than two axles, on any street, highway or right-of-way which is not specifically designated as a county road or state highway, for longer than 15 minutes, unless the vehicle is in the process of being loaded or unloaded at such location.

H. Interference with Traffic Movement

No vehicle shall be parked or allowed to stand in any area open to the public as a matter of right for the purposes of vehicular traffic so as to interfere with the movement of traffic thereon.

I. Snow Removal

No person shall park or leave standing any vehicle whether attended or unattended upon any avenue, street or highway in the City of Lambertton 24 hours after snow has fallen or until the street has been plowed curb to curb, whichever is later. Once a street has been plowed curb to curb, on-street parking can resume. The winter parking ordinance exists to expedite and make more efficient snow removal in our community.

Once the street has been plowed, vehicles must not be returned to the same parking spot until the area has been cleared curb-to-curb. Re-parking in an uncleared spot, thereby obstructing snow removal operations, will result in an automatic violation.

J. Vehicle Repair on Street

It is unlawful for any person to service, repair, assemble or dismantle any vehicle parked upon a street or attempt to do so, except to service such vehicle with gasoline or oil or to provide emergency repairs thereon, but in no event for more than twenty-four hours.

K. Unlicensed Vehicles

It shall be unlawful for any person, business, or entity to store or park an unlicensed vehicle on any public or private property.

This ordinance shall not apply to vehicles that are temporarily exempted from licensing requirements under specific circumstances outlined in applicable state or local laws, provided that such exemption is duly authorized and documented.

Section 3: Removal and Impounding Vehicles

- A. Vehicles in violation of parking regulations and subject to removal. When any police officer finds a vehicle standing upon a street in violation of any parking regulation, such officer is hereby authorized to require the driver or other person in charge of such vehicle to remove the vehicle to a position in compliance with this ordinance. When any police officer finds a vehicle unattended upon any street in violation of any parking regulation or is otherwise subject to towing and impoundment under Minnesota state laws, the officer is hereby authorized to impound such vehicle and to provide for the removal thereof to a convenient garage or other facility or place of safety.
- B. Any motor vehicle impounded under this section shall only be released from impoundment:
 - a. To the registered owner or person authorized by the registered owner, a lienholder of record, or a person who has purchased the vehicle from the registered owner who provides proof of ownership of the vehicle, proof of valid state driving license, and proof of insurance required by law to cover the vehicle;
 - b. If the vehicle is subject to a rental or lease agreement, to a renter or lessee with valid state driving license who provides a copy of the rental or lease agreement and proof of insurance required by law to cover the vehicle; or
 - c. To an agent of a towing company authorized by the registered owner, renter or lessee upon proper identification and
 - d. Upon payment of any charge placed against such vehicle for cost of removal or storage or both by anyone called upon to assist.
- C. The proof of ownership, valid driving privileges and insurance, and, when applicable, the copy of the rental or lease agreement shall be provided to a licensed police officer at the police department or to an agent of the towing company acting on behalf of the police department.

Section 4: Vehicle Storage

It shall be unlawful for any property owner to allow or permit the storage of vehicles on their property in a manner that is not in compliance with the regulations set forth in this ordinance.

1. All vehicles stored on private property must be:
 - a. Properly registered and licensed in accordance with state and local laws.
 - b. In good working condition, without leaking fluids or creating a safety hazard.
 - c. Parked in designated parking areas or spaces on the property, and not obstructing sidewalks, driveways, or other public rights-of-way.
 - d. Must follow the same set-back rules as set in the City of Lambertons Development Code.
 - e. Screened from public view, if stored outdoors, using appropriate fencing, landscaping, or other approved screening methods.
2. Temporary vehicle storage, such as during repairs or renovations, may be permitted with prior approval from the appropriate local authorities, provided that:
 - a. The storage period does not exceed _____
 - b. Adequate measures are taken to prevent adverse impacts on neighboring properties, public safety, or the environment.

Section 5: Additional Parking Regulations

For specific or additional parking regulations pertaining to each zoning district, please refer to the Development Code, (Zoning Ordinance and Platting).

Section 6: Penalties

Unless otherwise provided, violation of this ordinance is a petty misdemeanor punishable by a fine up to \$300.00.

Section 7: Repealed Parking Ordinances

That Ordinance No. 125 is hereby repealed in its entirety.

Any prior ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 8: Parking Ordinance History Adoption & Updates

This ordinance shall become effective upon its passage and publication as provided by law.

Passed by the Lambertons City Council on this _____ day of _____, 2024

Lydell Sik, Mayor

Valerie Halter, Clerk

CHAPTER 16: THE REGULATION OF CANNABIS

Section 1: Definitions

As used in this ordinance, the terms defined in this section shall have the following meanings ascribed to them:

Cannabis:

Any part of the plant *Cannabis sativa* L., whether growing or not, including its seeds, extracts, and derivatives, as well as any product containing cannabinoids derived from the plant.

Cannabis Product:

Any product containing cannabis or cannabis-derived substances, including concentrates, edibles, topicals, and beverages, intended for human consumption or use.

Cannabinoid:

Any chemical compound found in cannabis, including but not limited to THC (tetrahydrocannabinol) and CBD (cannabidiol).

THC (Tetrahydrocannabinol):

The primary psychoactive compound in cannabis responsible for the "high" effect.

CBD (Cannabidiol):

A non-psychoactive compound found in cannabis known for its potential therapeutic effects.

Cultivation:

The process of growing, harvesting, drying, and curing cannabis plants.

Dispensary:

A licensed retail facility where cannabis and cannabis products are sold to consumers.

Medical Cannabis:

Cannabis prescribed or recommended by a healthcare provider for the treatment of specific medical conditions.

Adult-Use Cannabis (Recreational Cannabis):

Cannabis intended for personal use by adults aged 21 and older.

Microbusiness:

A small-scale cannabis business licensed to engage in multiple activities, such as cultivation, processing, and retail.

Processor:

An entity licensed to manufacture or prepare cannabis products, including extraction, refinement, and packaging.

Testing Facility:

A licensed laboratory authorized to conduct quality and safety testing on cannabis and cannabis products.

Licensee:

An individual or entity holding a valid license issued under this ordinance to engage in any cannabis-related activity.

On-Site Consumption:

The consumption of cannabis products on the premises of a licensed facility.

Public Place:

Any area accessible to the general public, including parks, sidewalks, and buildings, where cannabis consumption is prohibited.

Edibles:

Cannabis-infused food or beverage products intended for oral consumption.

Concentrates:

Highly potent cannabis products created by extracting cannabinoids from the plant, often used for dabbing or vaporizing.

Infused Products:

Non-edible items such as lotions, balms, and oils that contain cannabis extracts.

Security Requirements:

The set of standards and protocols required to ensure the safety and security of cannabis facilities, employees, and products.

Track-and-Trace System:

A regulatory system used to monitor the production, distribution, and sale of cannabis and cannabis products to prevent diversion.

Zoning Compliance:

Adherence to local zoning laws that regulate where cannabis businesses can operate.

Buffer Zone:

The minimum required distance between a cannabis establishment and sensitive areas such as schools, parks, and residential zones.

Home Cultivation:

The personal cultivation of cannabis plants by an individual for personal use, subject to limitations and regulations.

Impaired Driving:

Operating a motor vehicle while under the influence of cannabis.

Advertising Restrictions:

Regulations governing the marketing and promotion of cannabis products to protect minors and public health.

Section 1. Administration

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes the City of Lambertton to protect the public health, safety, welfare of the City of Lambertton residents by regulating cannabis businesses within the legal boundaries of the City of Lambertton.

The City of Lambertton finds and concludes that the proposed provisions are appropriate and lawful land use regulations for the City of Lambertton, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

A. Authority and Jurisdiction

The City of Lambertton has the authority to adopt this ordinance pursuant to:

1. Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
2. Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
3. Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
3. Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

Ordinance shall be applicable to the legal boundaries of the City of Lambertton.

B. Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

C. Enforcement

The City of Lambertton is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

Section 3: Registration of Cannabis Business

A. Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business within the City of Lambertton without first registering with the City of Lambertton.

Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of (up to \$2,000) for each violation.

Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government.

B. Compliance Checks Prior to Retail Registration

Prior to issuance of a cannabis retail business registration, the City of Lambertton (shall/shall not) conduct a preliminary compliance check to ensure compliance with local ordinances.

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, the City of Lambertton shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

C. Registration & Application Procedure

The City of Lambertton shall not charge an application fee.

A registration fee, as established in the City of Lambertton's annual fee schedule, shall be charged to applicants depending on the type of retail business license applied for.

An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.

Any renewal retail registration fee imposed by the City of Lambertton shall be charged at the time of the second renewal and each subsequent renewal thereafter.

A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.

A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

D. Application Submittal

The City of Lambertton shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

CITY OF LAMBERTON ORDINANCES

1. An applicant for a retail registration shall fill out an application form, as provided by the City of Lambertton. Said form shall include, but is not limited to:
 - a. Full name of the property owner and applicant.
 - b. Address, email address, and telephone number of the applicant;
 - c. The address and parcel ID for the property which the retail registration is sought;
 - d. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.
 - e. (Insert additional standards here.)
2. The applicant shall include with the form:
 - a. the registration fee as required in [Section 3-C];
 - b. a copy of a valid state license or written notice of OCM license preapproval;
 - c. (Insert additional standards here)
3. Once an application is considered complete, the (insert local government designee) shall inform the applicant as such, process the application fees, and forward the application to the (insert staff/department, or elected body that will approve or deny the request) for approval or denial.
4. The application fee shall be non-refundable once processed.

E. Application Approval

1. (Optional) A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 3-A.
2. A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
3. A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

F. Annual Compliance Checks

The City of Lambertton shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under [Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24] and this/these [chapter/section/ordinances].

The City of Lambertton shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.

Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

Any failures under this section must be reported to the Office of Cannabis Management.

G. Location Change

A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 3-D if it seeks to move to a new location still within the legal boundaries of the City of Lambertton.

H. Renewal of Registration

CITY OF LAMBERTON ORDINANCES

The City of Lambertton shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

A state-licensed cannabis retail business shall apply to renew registration on a form established by the City of Lambertton.

A cannabis retail registration issued under this ordinance shall not be transferred.

1. Renewal Fees

The City of Lambertton may charge a renewal fee for the registration starting at the second renewal, as established in the City of Lambertton's fee schedule.

2. Renewal Application

The application for renewal of a retail registration shall include, but is not limited to:

- a. Items required under Section 3-D of this Ordinance.
- b. **Insert additional items here**

I. Suspension of Registration

1. When Suspension is Warranted

The City of Lambertton may suspend a cannabis retail business's registration if it violates the ordinance of the City of Lambertton or poses an immediate threat to the health or safety of the public. The City of Lambertton shall immediately notify the cannabis retail business in writing the grounds for the suspension.

2. Notification to OCM

The City of Lambertton shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide the City of Lambertton and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

3. Length of Suspension

A jurisdiction can wait for a determination from the OCM before reinstating a registration.

The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended.

The City of Lambertton may reinstate a registration if it determines that the violations have been resolved.

The City of Lambertton shall reinstate a registration if OCM determines that the violation(s) have been resolve.

4. Civil Penalties

Subject to Minn. Stat. 342.22, subd. 5(e) the City of Lambertton may impose a civil penalty, as specified in the City of Lambertton's Fee Schedule, for registration violations, not to exceed \$2,000.

J. Limiting Registrations

A jurisdiction may choose to set a limit on the number of retail registrations within its boundaries. The jurisdiction may not however, limit the number of registrations to fewer than one per 12,500 residents.

(Optional) The City of Lambertton shall limit the number of cannabis retail businesses to no fewer than one registration for every 12,500 residents within (insert local legal boundaries here).

(Optional) If (insert county here) has one active cannabis retail businesses registration for every 12,500 residents, the City of Lambertton shall not be required to register additional state-licensed cannabis retail businesses.

(Optional) The City of Lambertton shall limit the number of cannabis retail businesses to (insert number <= minimum required).

Section 6: Repeal

Section 7: Cannabis Ordinance History Adoption & Updates

This ordinance shall become effective upon its passage and publication as provided by law.

Passed by the Lambertton City Council on this _____ day of _____, 2024

Lydell Sik, Mayor

Valerie Halter, Clerk