PUBLIC NOTICES

CITY

ORDINANCE NO. 719

AN ORDINANCE REGULATING THE POSSESSION, SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF ISANTI, MINNESOTA

THE CITY COUNCIL OF THE CITY OF ISANTI HEREBY ORDAINS AS FOLLOWS:

The Code of the City of Isanti, Chapter 76, Alcoholic Beverages, is hereby deleted in its entirety and amended to read as follows:

Article I State Law, Definitions and Public Consumption

§ 76-1. Adoption of State Law by reference.

The provisions of Minn. Stat. § 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 Chapter as if set out in full. It is the intention of the City Council that all future amendments to Minn. Stat. § Ch. 340A are hereby adopted by reference or referenced as if they had been in existence at the time this Chapter is adopted.

§76-2. City may be more restrictive than State Law.

The Council is authorized by the provisions of Minn. Stat. § 340A.509, as it may be amended from time to time, to impose, and has imposed in this Chapter, additional restrictions on the sale and possession of alcoholic beverages within its limits beyond those contained in Minn. Stat. § 340A, as it may be amended from time to time.

§ 76-3. Definitions.

In addition to the definitions contained in Minn. Stat. § 340A.101 as it may be amended from time to time, the following terms are defined for purposes of this Chapter:

AIDING AND ABETTING – Adults that are participating, aiding, allowing in any illegal activity related to the event or gathering.

ALCOHOL – Means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

ALCOHOLIC BEVERAGE - Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of 1 percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

APPLICANT- Any person making an application for a license under this article.

BEER – Malt liquor that contains not less than one half of 1 percent of alcohol.

BREWER – A person who manufactures malt liquor for sale.

BREW PUB – An establishment in which malt liquor is brewed or manufactured for sale and consumption on tap at the premises where the malt liquor is brewed or for sale and personal consumption off the brewer's premises. It is also a restaurant pursuant to the definition in this Section.

CLUB – An incorporated organization under the law of the state for civic, fraternal, social, or business purposes, for intellectual improvement or for the promotion of sports, or a congressionally chartered veteran's organization which has more than 50 members, has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members, and is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent or employee shall receive any profit from the distribution or sale of beverages to the members of the cub, or their guests, beyond a reasonable salary or wages fixed and voted on each year by the governing body.

EVENT OR GATHERING - Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

GUEST – A person not a member of the club licensee but present on the club-licensed premises in the company of a host member.

HOST - To aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

HOTEL – An establishment where food and lodging are regularly furnished to transients and which has:

A. A dining room serving the general public at tables and having facilities for seating at least 30 guests at one time.

B. At least 25 guest rooms.

INTOXICATING LIQUOR – Ethyl alcohol and distilled, fermented, spirituous, vinous, and malt beverages containing in excess of 3.2 percent alcohol by volume.

LICENSE – A document issued by the City to an applicant permitting them to carry on and transact the business stated therein.

LICENSE FEE- The money paid by the City pursuant to an application and prior to issuance of a license to transact and carry on the business stated therein.

LICENSED PREMISES – The premises described in the approved license application. The license may be issued only for a space that is compact and contiguous. In the case of a restaurant or a club licensed for on-sale of alcoholic beverages and located on a golf course, the term "licensed premises" includes the entire golf course, except for areas where motor vehicles are regularly parked or operated.

LIQUOR - As used in this ordinance, without modification by the words "intoxicating" or a "3.2 percent malt" includes both intoxicating liquor and 3.2 percent malt liquor.

3.2 PERCENT MALT LIQUOR – Any beer, ale, or other beverage made from malt by fermentation and containing not less than one half percent alcohol by volume and not more than 3.2 percent alcohol by weight.

MANUFACTURER – Every person who, by any process of manufacture, fermenting, brewing, distilling, refining, rectifying, or blending, or by the combination of different materials, prepares or produces intoxicating liquor for sale.

OFF-SALE – The sale of alcoholic beverages in original packages for consumption off the premises only.

ON-SALE- The sale of alcoholic beverages for consumption on the licensed premises.

PARENT - A person having legal custody of a juvenile:

A. As natural, adoptive parent, or step-parent;

B. As a legal guardian; or

C. As a person to whom legal custody has been given by order of the court

PERSON - "Person" means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

RESIDENCE OR PREMISES - Any home, yard, farm, field, land, apartment, condominium,

hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of

assembly, public or private, whether occupied on a temporary or permanent basis, whether

occupied as a dwelling or specifically for a party or other social function, and whether owned,

leased, rented, or used with or without permission or compensation.

RESTAURANT- An eating facility, other than a hotel, open to the general public 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 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 Minn. Stat. § 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 Minn. Stat. § 157.16, subd. 3(d), as it may be amended from time to time. The facility shall have a minimum seating capacity for at least 30 guests. 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".

UNDERAGE PERSON- Any individual under twenty-one (21) years of age.

WHOLESALER – Any person who sells alcoholic beverages to persons to whom the sale is permitted under Minn. Stat. § 340A.310, from a stock maintained in a warehouse in the state.

§ 76-4. 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, or where the consumption and display of liquor is lawfully permitted. Licenses for intoxicating liquor or 3.2 percent malt liquor as per section 76-4 of this chapter may be granted in conjunction with a special event permit, as approved by the city.

§ 76-5. Exceptions

A. Section 76-4 shall not apply to the extent that temporary license for the sale of 3.2 percent malt liquor have been granted or will be granted to clubs, charitable, religious, and non-profit organizations, which such licenses contemplate sale and consumption at any of the prohibited places set forth in Section 76-4 at the time and place for which the temporary license has been granted.

B. Section 76-4 shall not apply if the consumption of intoxicating liquor or 3.2 percent malt liquor occurs in any of the prohibited places designated therein if a valid license or permit has been issued.

C. Section 76-4 shall not apply if consumption of intoxicating liquor or 3.2 percent malt liquor occurs at the Isanti Community Center if arrangements for the use of the Community Center which contemplate such consumption have been property made with the City Administrator or their designee, and all required fees for same have been paid.

ARTICLE II Licensing and Operation

§ 76-6. Raffles, Silent Actions, and fund-raising events for charitable purposes of wine, beer or intoxicating liquors.

No person shall conduct a silent auction, raffle of other fund-raising event pursuant to Minn. Stat. § 340A.707 with prizes or awards of wine, beer or intoxicating liquors without notifying the city clerk of the event at least ten days prior to the occurrence of the event. The event holder shall provide the city with the following information: the person or organization holding the event, the day, time and location of the event, type of fund raising event (silent auction, raffle or otherwise), type and amount of wine, beer, intoxicating liquor to be awarded as prizes, and the charitable purposes to which the event proceeds will be donated.

§ 76-7. Number of licenses which may be issued.

The Council may issue the number of licenses authorized by statute or restrict such number from time to time, as authorized by Minn. Stat. § 340A., as it may be amended from time to time.

§ 76-8. Term and Expiration of Liquor 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 year. 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.

§ 76-9. Kinds of Liquor Licenses.

The following types of licenses are issued under this Chapter.

A. 3.2 percent malt liquor on-sale licenses, which may be issued to drugstores, golf courses, restaurants, 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, and served for consumption on the premises only.

B. 3.2 percent malt liquor off-sale licenses, which may be issued to general food stores and drugstores and permit the sale of 3.2% malt liquor at retail in the original package for consumption off the premises only.

C. Temporary 3.2 percent malt liquor licenses which may be issued only to a club, charitable, religious, or nonprofit organization. The temporary license may authorize the sale of 3.2 percent malt liquor in any school or school building.

D. On-sale intoxicating liquor licenses, which may be issued to the following establishments as defined by Minn. Stat. § 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 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 Minn. Stat. § 340A.404, subd. 4(b) 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 Minn. Stat § 340A.404, subd. 4(a) 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.

E. Sunday on-sale intoxicating liquor licenses may be issued only to a restaurant as defined in Section 76-3 of this ordinance, club, bowling center, or hotel which has a seating capacity of at least 30 guests, which holds an on-sale intoxicating liquor license, and which serves liquor only in conjunction with the service of food. Sunday sales licenses may be issued to Brew Pubs, Brewer Taprooms or Cocktail rooms meeting the definition of a restaurant.

F. 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; a political committee registered under state law; or a state university. The City may not issue a license for more than 3 four-day, 4 three-day, 6 two-day or 12 one-day temporary licenses (in any combination) not to exceed 12 days total to any one organization or for any location in the City, within a 12-month period.

G. 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 Minn. Stat. § 340A.404, subd. 5, as it may be amended from time to time, and which meet the definition of restaurant in section 3; to licensed bed and breakfast facilities which meet the criteria in Minn. Stat. § 340A.4011, subd. 1, as it may be amended from time to time and to theaters that meet the criteria of Minn. Stat. § 340A.404, subd. 1(b) as it may be amended from time to time. 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 a content over 3.2 percent (strong beer) without an additional license.

H. 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.

I. Approval of the issuance of a consumption and display permit by the Commissioner of Public Safety. Consumption and display permits shall expire on March 31 of each year.

J. Culinary class limited on-sale licenses, pursuant to Minn. Stat. § 340A.4041, may be issued to a business establishment not otherwise eligible for an on-sale intoxicating liquor license that, as a part of its business, conducts culinary or cooking classes for which payment is made by each participant or advance registration is required. The license authorizes the licensee to furnish to each participant in each class, at no additional cost to the participant, up to a maximum of 6 ounces of wine or 12 ounces of intoxicating malt liquor, during and as part of the class, for consumption on the licensed premises only.

K. On-sale intoxicating liquor license for Brew Pubs, on-sale 3.2 percent malt liquor license 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 Minn. Stat. § 340A.24, 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 brew pub off sale license as per Paragraph K., 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.

L. Brew pub off-sale malt liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to a brewer that meets the criteria established at Minn. Stat. § 340A.24, as it may be amended from time to time. 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 Minn. Stat. § 340A.285 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 Paragraph L. of this section possesses a license under Paragraph J. above, the 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 750 barrels.

M. Brewer off-sale malt liquor licenses may also be issued, with approval of the Commissioner, to a holder of a brewer's license under Minn. Stat. § 340A.301, subd. 6(c), (i) or (j) and meeting the criteria established by Minn. Stat. § 340A.28 as may be amended from time to time. The amount of malt liquor sold at off-sale may not exceed 750 barrels annually. Malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. Packaging of malt liquor for off-sale under this license must comply with section 340A.285.

N. 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.

O. A brewer taproom license may be issued to the holder of a brewer's license under M.S. § 340A.301 Subd. 6(c), (i) or (j) as it may amended from time to time. A brewer's taproom license authorizes on-sale of 3.2 percent or intoxicating malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer. A brewer may have only one taproom license and may not have an ownership interest in a brewer licensed under Minn. Stat. § 340A.301 Subd. 6(d) as it may be amended from time to time. A brewer taproom license may not be issued to a brewer that brews more than 250,000 barrels of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually. Within ten days of issuing a brewer taproom license the City Clerk will inform the Commissioner of Public Safety of the licensee's name, address, trade name and the effective date and expiration date of the license. The City Clerk will inform the Commissioner of Public Safety of a license transfer, cancellation, suspension, or revocation during the license period.

P. A cocktail room license may be issued to the holder of a state microdistillery license if at least 50 percent of the annual production of the licensee is processed and distilled on premises. A microdistillery cocktail room license authorizes on-sale of distilled liquor produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller. The holder of a microdistillery cocktail room license may also hold a license to operate a restaurant at the distillery. No more than one cocktail room license may be issued to any distiller and a microdistillery cocktail room license may not be issued to any person having an ownership interest in a distillery licensed under Minn. Stat. § 340A.301 subd. 6 (a). No single entity may hold both a microdistillery cocktail room and taproom license and a microdistillery cocktail room and taproom license may not be co-located. Within ten days of the issuance of a microdistillery cocktail room license, the city shall inform the commissioner of public safety of the licensee's name and address and trade name, and the effective date and expiration date of the license. The city shall also inform the commissioner of public safety of a microdistillery cocktail room license transfer, cancellation, suspension, or revocation during the license period.

Q. A microdistiller off-sale license may be issued to the holder of a state microdistillery license if at least 50 percent of the annual production of the licensee is processed and distilled on premises. A microdistiller off-sale license authorizes off-sale of one 375 milliliter bottle per customer per day of product manufactured on-site provided the product is also available for distribution to wholesalers. Product must be removed from the premises before the applicable closing time.

R. A microdistiller temporary on-sale intoxicating liquor license may be issued to the holder of a state microdistillery license. A microdistillery temporary on-sale intoxicating liquor license authorizes on-sale of intoxicating liquor in connection with a social event within the city sponsored by the microdistillery.

§ 76-10. License fees; pro rata.

A. No license or other fee established by the city shall exceed any limit established by Minn. Stat. Ch. 340A, as it may be amended from time to time, for a liquor license.

B. The Council may establish by ordinance licenses, and by resolution charges for the license fees; for any of the liquor licenses it is authorized by this Chapter to issue.

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 Minn. Stat. § 340A.408, subd. 5, as it may be amended from time to time.

§ 76-11. 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.

§76-12. 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 of 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 acceptance of an application or renewal for a license the applicant must file their proof of financial responsibility with the City. The applicant shall demonstrate proof of financial responsibility as defined in Minn. Stat. § 340A.409, as it may be amended from time to time, with regard to liability under Minn. Stat. § 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 Minn. Stat. § 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.

§ 76-13. 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.

§ 76-14. 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 licensee has a right to have the license renewed.

§ 76-15. Transfer of license.

No license issued under this ordinance may be transferred without the approval of the Council. Any transfer of stock of 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 code applying to applications for a license shall apply.

§ 76-16. Investigation.

A. Preliminary background and financial investigation. On an initial application for a license, on an application for transfer of a license and, in the sound discretion of the Council that it is in the public interest to do so, on an application for renewal of a license, the city shall conduct a preliminary background and financial investigation of the applicant or it

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may contract with the Commissioner of Public Safety for the investigation. The applicant shall pay with the application an investigation fee which shall be in addition to any license fee. The results of the preliminary investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale intoxicating liquor license or an on-sale wine license. No license may be issued, transferred, or renewed if the results of the investigation show, to the satisfaction of the Council, that issuance, transfer, or renewal would not be in the public interest.

B. Comprehensive background and financial investigation. If the results of a preliminary investigation warrant, in the sound discretion of the Council, a comprehensive background and financial investigation, the Council may either conduct the investigation itself or contract with the Commissioner of Public Safety for the investigation. The investigation fee for this comprehensive background and financial investigation to be paid by the applicant shall be $500, less any amount paid for the initial investigation if the investigation is to be conducted within the state, and $10,000, less any amount paid for the initial investigation, 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 comprehensive investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale intoxicating liquor license or an on-sale wine license.

§ 76-17. Council Consideration and issuance.

The Council shall investigate all facts set out in the application and not investigated in the preliminary or comprehensive background and financial investigations. For applications for issuance or renewal of annual on-sale licenses for intoxicating and/or 3.2 percent malt liquor, the applicant or their agent must be present at the Council meeting where their application is on the meeting agenda for consideration. After due consideration of the application, background check and public safety report on annual on-sale license renewals; 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.

§ 76-18. Restrictions on issuance.

A. Each license shall be issued only to the applicant for the premises described in the application.

B. Not more than one license shall be directly or indirectly issued within the city to any one person.

C. 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.

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

E. 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.

§ 76-19. 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 the 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. No on-sale establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

E. Compliance with financial responsibility requirements of state law and of this ordinance is a continuing condition of any license.

§ 76-20. Hours and days of sale.

A. 3.2 percent malt liquor. No sale of 3.2 percent malt liquor shall be made between 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday or between 1:00 a.m. and 12:00 p.m. on Sunday.

B. Intoxicating liquor, on-sale. Except as provided in Paragraph C of this section, no sale of intoxicating liquor for consumption on the licensed premises may be made between 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, or after 8:00 p.m. on December 24, or after 1:00 a.m. on Sundays. These hours are applicable to all holders of on-sale licenses, including brew pubs, brewers tap rooms and micro distiller's cocktail rooms.

C. Intoxicating liquor, Sunday sales, on-sale. Sales of intoxicating liquor for consumption on a premise issued a Sunday on-sale license shall be permitted between the hours of 8:00 a.m. on Sundays and 1:00 a.m. on Mondays. These hours are applicable to all holders of Sundays on-sale licenses.

D. Intoxicating liquor, off-sale. No sale of intoxicating liquor may be made by exclusive liquor stores on Sundays, except between the hours of 11:00 a.m. and 6:00 p.m., before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday, on Thanksgiving Day, on Christmas Day (December 25) or after 8:00 p.m. on Christmas Eve (December 24). The Council may further limit the hours of sale of alcoholic beverages. These hours are applicable to all holders of off-sale licenses, including brew pubs, brewers and micro distillers.

F. Display of liquor. No licensee shall display liquor to the public during hours when the sale of liquor is prohibited.

76-21 Closing of premises after legal time of sale; removal of containers

A. It is unlawful for any person other than the on-sale licensee or a bona fide employee actually engaged in the performance of their duties to be on the premises licensed under this Chapter more than 30 minutes after the legal time for making licensed sales; provided, however, that this section shall not apply to licensees, employees of the licensee, and patrons on the licensed premises for the sole purpose of preparing, serving, or consuming food or beverages other than alcoholic beverages.

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 20 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 20 minutes after the time when a sale can legally occur.

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

§ 76-22. 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 any other license issued under this ordinance or the imposition of a civil penalty under the provisions of this Chapter.

§ 76-23. 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, host 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.

B. No person under the age of 21 years may enter a licensed establishment except to work, consume meals on premises that qualify as a restaurant, or attend social functions that are held in a portion of the premises where liquor is not sold.

§ 76- 24. Restrictions on purchase, consumption and possession.

A. 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 Minn. Stat. § 340A.414, as it may be amended from time to time, which has been approved by the Council, and no person shall consume liquor in any such place.

B. No person under the legal drinking age shall consume or possess with the intent to consume or receive delivery of intoxicating or 3.2 percent malt liquor except in the household of the minor's parent or guardian, and then only with the consent of such parent or guardian.

C. No person under the legal drinking age shall possess any intoxicating or 3.2 percent malt liquor. Possession of an alcoholic beverage by a person under the legal drinking age at a place other than the household of a parent or guardian is prima facie evidence of intent to consume it at a place other than the household of the person's parent or guardian.

§ 76-25. 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, Minn. Stat. §§ 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 of the provisions of this ordinance or Minn. Stat. Ch. 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 3.2 percent malt liquor, or violation of Section 4, 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.

3. The Council shall select the day or days during which the license will be suspended.

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 a license who has received notice of lapse of 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 requirements of state law and this ordinance have again been met.

D. The provisions of Section 30 pertaining to administrative penalty may be imposed in addition to or in lieu of any suspension or revocation under this ordinance.

Article III Municipal Liquor Store

§ 76-26. Municipal liquor store continued.

If the city has in existence on the effective date of this ordinance a municipal liquor store for the sale of intoxicating liquor, the store is continued. Except as provided in Section 29, no intoxicating liquor may be sold at retail elsewhere in the city.

§ 76-27. Location.

The municipal liquor store shall be located at a suitable place in the city as the Council determines by motion. However, no premises upon which taxes, assessments, or other public charges are delinquent shall be leased for municipal liquor store purposes. The Council shall have the right to establish additional off-sale and on-sale stores at other locations as it may, from time to time, by motion, determine.

§ 76-28. Operation.

A. Manager. The municipal liquor store shall be in the immediate charge of a Liquor Store Manager selected by the Council and paid compensation as is fixed by the Council. The Manager shall not be a person who would be prohibited by law or any provision of this ordinance from being eligible for an intoxicating liquor license. The Manager shall furnish a surety bond to the city, conditioned upon the faithful discharge of the duties of the office, in a sum as specified by the Council. The bond premium may be paid by the city or the Manager, in the discretion of the Council. The Manager shall operate the municipal liquor store under the Council's direction and shall perform those duties in connection with the store as may be established by the Council. The Manager shall be responsible to the Council for the conduct of the store in full compliance with this ordinance and with the laws relating to the sale of intoxicating liquor and 3.2 percent malt liquor.

B. Other employees. The Council may also appoint additional employees as may be required and shall fix their compensation. All employees, including the Manager, shall hold their positions at the pleasure of the Council. No person under the age of 18 shall be employed in the store. The Council may require the employees to furnish surety bonds conditioned for the faithful discharge of their duties in a sum as specified by the Council. The premium on the bond may be paid by the city or the employees, as the Council determines.

C. Municipal liquor store fund. All of the revenues received from the operation of a municipal liquor store shall be deposited in a municipal liquor store fund from which all ordinary operating expenses, including compensation of the Manager and employees, shall be paid. Surpluses accumulating in the fund may be transferred to the general fund of the city or to any other appropriate fund of the city by resolution of the Council, and may be expended for any municipal purpose. The handling of municipal liquor store receipts and disbursements shall comply with the procedure prescribed by law and charter for the receipts and disbursements of city funds generally.

D. Financial statement. The Council shall provide within 90 days following the end of the calendar year for publication a balance sheet using generally accepted accounting procedures and a statement of operations of the municipal liquor store for that year. The balance sheet and statement shall be published in accordance with the provisions of Minn. Stat. § 471.6985, as it may be amended from time to time.

E. Hours of operation. The hours during which the sale of intoxicating liquor may be sold shall be as provided in Section 76-21. No person, other than the Manager or a store employee, may remain in the municipal liquor store longer than one-half hour after the time when the sale of intoxicating liquor must cease.

§ 76-29. Proof of financial responsibility.

The city shall demonstrate proof of financial responsibility required by licensees of retail intoxicating liquor establishments under the provisions of Minn. Stat. § 340A.409, as it may be amended from time to time.

§ 76-30. Penalties.

A. Any person violating the provisions of this ordinance or Minn. Stat. Ch. 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 Minn. Stat. Ch. 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, Minn. Stat. §§ 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 23 includes any and all violations of the provisions in this Chapter, or of Minn. Stat. Ch. 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 for the preceding three-year period. Revocation shall occur within 60 days following a violation for which revocation is imposed.

Article IV Annual Rodeo Liquor Liability Insurance

76-31. Liability insurance policy limits

A. A condition to the granting of a temporary license for the on-sale of intoxicating liquor or 3.2 percent malt liquor for the Isanti Volunteer Fire Department Relief Association Annual Rodeo and associated events, the Isanti Volunteer Fire Department Relief Association shall have in place liquor liability insurance as per Minn. Stat. § 340A.409 as amended from time to time and liability insurance in the following amounts:

1. Per person (personal injury) $1,000,000

2. Per occurrence: $1,000,000

3. Property damage, per occurrence: $100,000

B. Said insurance shall be in force during the entire period for which the license is issued.

76-32. Maintenance of policy limits every year

Said policy limits shall be maintained each and every year that the Isanti Volunteer Fire Department Relief Association sponsors the rodeo and associated events unless and until the required policy limits as set forth herein are changed by amendment of this article adopted the City Council.

Article V Social Host

§ 76-33. Purpose and Findings.

The Isanti City Council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Isanti City Council finds that:

A. Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.

B. Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.

C. Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.

D. Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and, condone the activity, and in some circumstances provide the alcohol.

E. Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption.

F. A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

§ 76-34. Authority. This ordinance is enacted pursuant to Minn. Stat. §145A.05 subdivision 1, as amended from time to time.

§ 76-35. Prohibited Acts.

A. It is unlawful for any person(s) to host, aid and abet or allow an event or gathering at any residence, premises, or on any other private or public property; where alcohol or alcoholic beverages are present when the person knows or reasonably should know that an underage person will or does 1) consume any alcohol or alcoholic beverage; or 2) possess any alcohol or alcoholic beverage with the intent to consume it; and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s)

B. A person is criminally responsible for violating Subdivision 4(a) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

C. A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

§ 76-36. Exceptions.

A. This ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.

B. This ordinance does not apply to legally protected religious observances.

C. This ordinance does not apply to retail intoxicating liquor or 3.2 percent malt liquor licenses, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. §340A.503 Subd.1(a)(1), as amended from time to time.

D. This ordinance does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

§ 76-37. Enforcement. This ordinance can be enforced by any police officer or sheriff's deputy in the county.

§ 76-38. Severability. If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§ 76-39. Penalty. Violation of this Article is an Administrative offense punishable by an administrative fee of $75.00, unless specifically charged and prosecuted as a misdemeanor.

§ 76-32. Summary approved.

The Council hereby determines that the text of the summary of this ordinance marked "Official Summary of Ordinance No _____," and a copy of which is attached to this ordinance, clearly informs the public of the intent and effect of this ordinance. The Council further determines that publication of the title and this summary will clearly inform the public of the intent and the effect of this ordinance. The Clerk shall file a copy of this ordinance and the summary in the Clerk's office which shall be available for inspection by any person during regular office hours. A copy of the ordinance shall be available in the community library, if there is one, or if not, in any other public location which the council designates.

EFFECTIVE DATE:

This ordinance shall take effect upon its adoption and publication in the City's Official Newspaper.

Adopted by the City Council this 4th day of February 2020.

/s/ Mayor Jeff Johnson

Attest:

/s/ Katie Brooks

Human Resources/City Clerk

Published in the Isanti-Chisago County STAR on Feb. 13, 2020

ORDINANCE NO. 720

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 485, ADOPTED ON MAY 5, 2010, AND TITLED PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

The City Council of the City of Isanti, Minnesota ordains:

· Section 1 – Repealer. Ordinance No. 485, titled "Peddlers, Solicitors and Transient Merchants", codified in Chapter 245 of the City Code, is hereby repealed in its entirety and replaced with the ordinance set forth below.

Section 2 – Ordinance. The following Chapter 245 is hereby adopted:

Chapter 245
Peddlers, Solicitors, Transient Merchants and Mobile Food Units

245-1. Definitions
245-2. License Required
245-3. Exceptions.
245-4. Ineligible People.
245-5. Application.
245-6. Photographs.
245-7. Fees, Duration.
245-8. Investigation, Issuance, Denial.
245-9. Standards of Conduct.
245-10. Mobile Food Units.
245-11. Exclusion by Placard.
245-12. Special Events.
245-13. Suspension; Revocation.
245-14. Penalty, Enforcement

§ 245-1. Definitions.

Unless the context clearly indicates otherwise, the words below are defined for the purpose of this section as follows:

1. "Non-commercial door-to-door advocate" is a person who goes door-to-door for the primary purpose of disseminating religious, political, social or other ideological beliefs. For the purpose of this chapter, the term door-to-door advocate shall fall under the term solicitor and include door-to-door canvassing and pamphleteering and is intended for

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non-commercial purposes.
2. "Peddler" includes a person who goes from place-to-place exhibiting merchandise for sale, making sales, and delivering articles to purchasers.
3. "Transient Merchant" – A person who temporarily sets up business out of a vehicle, trailer, tent or other portable shelter or empty storefront in a commercial district where retail sales are a permitted or conditional use for the purpose of exposing or displaying for sale, selling or attempting to sell and delivering goods, wares, products, merchandise or other personal property and who does not remain or intend to remain in any location for more than 14 consecutive days.
4. "Solicitor" includes a person who goes from place-to-place soliciting orders for the sale of merchandise or personal services for future delivery or future performance, whether or not the person has a sample of the merchandise or is collecting advance payments for the orders. The word also includes activity that has as its ultimate purpose the obtaining of orders even though it may not initially purport to do so. For the purposes of this chapter, the term solicitor shall have the same meaning as the term canvasser.
5. "Regulated activity" means the activity of a peddler, transient merchant, solicitor or mobile food unit as defined in this chapter. The term only includes activities that involve the sale of a product or service. It does not include activities that involve only statements of opinion or belief or that request only a donation.
5. "Licensee" means an individual, partnership, corporation or association licensed within the city under this section and includes a person who is or will be conducting the regulated activity on behalf of the licensee.
6. "Person" means a natural person, a firm, partnership, corporation, any other association of people, and includes the manager or agent of that person or organization.
7. "Occupant" means a person living, staying, or working at a residence, including a guest.
8. "Mobile Food Unit" means a food and beverage service establishment that is a vehicle mounted unit or free-standing food stand.

§ 245-2. License Required.
A person engaging in a regulated activity within the city must first obtain a license from the City Clerk or designee.

§ 245-3. Exceptions.
A person engaging in the following activities is not required to obtain a license and an identification card from the city:
1. Selling personal property at garage sales, rummage sales, or estate sales. This includes persons participating in an organized multi-person bazaar or flea market.
2. Selling newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.
3. Selling products of the farm or garden grown or raised by the seller, including meat, but such activities must comply with applicable health regulations.
4. Selling at an auction conducted by a licensed auctioneer, or any officers of the court conducting a court ordered sale.
5. Calling upon residents in connection with a regular route service for the sale and delivery of perishable food and dairy products. This includes initial contacts to establish a customer delivery route. This exception does not relieve that person of the duty to comply with other applicable city requirements.
6. Sales or offers for sales by peddlers or solicitors who appear at the customer's home or place of business by an appointment which was made prior to such appearance are exempt from the provisions of this chapter.
7. Non-commercial door-to-door advocates. No license or registration shall be required of any person going from house to house, door to door, business to business, street to street or any other type of place-to-place when the activity is for the purpose of exercising that person's state or federal Constitutional rights, such as the freedom of speech, press, religion and the like, except that this exemption does not apply if the person's exercise of Constitutional rights is merely incidental to a commercial activity.
8. Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a commercial retail seller of the items be sold by the wholesaler.

§ 245-4. Ineligible People.
The following people are not eligible for a license and from the city:
1. A person whose license for a regulated activity was revoked by the city or another governmental body within three years before the application date;
2. A person who has been denied a license for regulated activity by the city or another governmental body because of circumstances that occurred within three years before the application date;
3. A person who has violated, or whose representative has violated, a provision of this section within three years before the application date, or who violates a provision of this section during the application period pending issuance of the license;
4. A person who has been convicted within three years before the application date of a crime that adversely reflects on the person's ability to honestly, safely, or lawfully conduct the regulated activities, unless the individual can show sufficient evidence of rehabilitation as defined in Minn. Stat. § 364.03, subd. 3, as it may be amended from time to time; or
5. A person who has falsified information, or omitted material information, required by this section.
6. A person who produces documentation of identification that is torn, pasted, peeled, or otherwise damaged or altered.

§ 245-5. Application.
Application for a license must be made at least ten working days before the regulated activity is proposed to begin and must include an accurate, sworn statement in writing, on a form furnished by the city, that gives the information listed below and includes the required supporting documentation:
1. Full legal name and physical description of the applicant;
2. Complete home and local address of the applicant;
3. A brief description of the proposed activity, its location, and the merchandise or service involved;
4. The dates and hours of the day during which the activity will be conducted;
5. Name, address, and phone number of the person on whose behalf the orders are solicited, together with credentials establishing the applicant's relationship to the person;
6. The source of supply of merchandise proposed to be sold, where the goods are located at the time the application is filed and the proposed method of delivery;
7. Whether or not the applicant has been convicted of any crime other than petty traffic violations, the nature, time and location of the offense and the punishment or penalty imposed;
8. The last cities or other localities, not exceeding five, where the applicant conducted the proposed activity immediately preceding the date of the application and where within those areas the activity took place;
9. Make, model, year, color, and state license number of each motor vehicle to be used in connection with the proposed activity;
10. Social security number, date of birth, and drivers license or state or tribal identification card number;
11. Passport information and visa status if the applicant is not a United States Citizen;
12. The name, address and phone number of the person or company employing the individual, if different from the information in sub-paragraph 5 above; and
13. A copy of all documents to be used by the applicant in the regulated activity.
14. Phone number(s) for the applicant;
15. All names of employees or multiple persons under one license.
16. Mobile Food Unit Additional Requirements
a. Valid copies of all necessary licenses or permits required by the state or county.
b. Pictures of mobile food unit vehicle and a site plan showing location of vehicle on the property. Plans and specifications for non-vehicular mobile food stand or unit and a site plan showing the proposed of stand or unit on the property.
c. A copy of the written permission from the property owner or property owner's agent where the mobile food vendor will be conducting business.
d. A list of other communities or locations where the applicant has been a mobile food vendor.

§ 245-6. Photographs.
Each individual who will be conducting the regulated activity on behalf of the partnership or organizational applicant (including the applicant) must submit two copies of a recent photograph, showing the head and shoulders of the person in a clear and distinguishable manner. An application is not complete until the required photographs are supplied.

§ 245-7. Fees, Duration.
The application must be accompanied by the required license fees specified in the city fee schedule, which may be amended from time to time by action of the City Council. A license is valid only for the time periods in the calendar year in which it is issued. No fees are required of individuals taking orders for the shipment of goods through interstate commerce.

§ 245-8. Investigation, Issuance, Denial.
1. Within five working days after a complete application is submitted, the Police Department will conduct an investigation regarding the information provided in the application and the eligibility for a license. The City Clerk will issue a license only to eligible people. The license shall bear the name of the applicant; and in the case of additional employees or multiple persons, a copy of the license shall be issued that bears their name and photograph. That copy shall correspond to the copy of record retained by the City. Any alteration of that license and/or photograph invalidates the license.
2. The City Clerk may not issue a license if there are circumstances indicating that the intended recipient may not honestly, lawfully, and safely conduct the proposed regulated activity. The City Clerk must notify an applicant in writing of a denial of a license, specifying the reasons. The applicant may appeal the denial by submitting to the City Clerk a written request within ten days after the denial asking to address the City Council. The City Council may refer the matter to an independent hearing officer or may consider the appeal itself. The City Council or hearing officer may deny a license and/or identification card when they believe such action will protect the public health, safety, or welfare.

§ 245-9. Standards of Conduct.
1. Except for those people specified in section 245-4, a person may conduct regulated activity in the city only if they carry a license with attached photograph identifying the person has been issued a license and it has not been revoked, suspended, or impounded. The license and attached photograph must be shown upon request.
2. A licensee must not transfer its license to another person. A license that has the photograph removed is invalid. Use of that invalid license is a violation of this chapter.
3. A person must not use a license issued to someone other than that person.
4. A person conducting regulated activity must not go onto private property for that purpose when there are signs prominently posted indicating that trespassing and/or solicitation is unwelcome or prohibited.
5. A person must not be on a street, highway, or adjacent boulevard and direct regulated activity toward the occupants of any motor vehicle in transit and must not obstruct the free flow of vehicular or pedestrian traffic on any public street, sidewalk, or other public right-of-way.
6. A person must not conduct regulated activity in a manner that creates a health or safety hazard. No person shall call attention to their business or items to be sold by means of blowing a horn, whistle, bell, or crying out or by any other noise, so as to be unreasonably audible within an enclosed structure.
7. A person must conduct regulated activity in a reasonably courteous manner at all times, must not engage in offensive, obscene, or abusive language, must not push open a door not opened by an occupant, must not place any portion of the person's body through an opened doorway without the invitation of an occupant, and must not physically attempt to stop an occupant from closing a door.
8. A licensee must immediately leave private property when requested to do so by an occupant or owner and must leave immediately upon completion of a transaction or an unsuccessful attempt to contact an occupant.
9. A licensee entering onto residential property must go directly to a door of the house, unless there is an adult present outside of the house or in an open garage. At no time may a licensee go to a window or to the back yard, unless invited to do so by the occupant.
10. A person conducting regulated activity must not make untrue statements to the people contacted regarding the purpose of the contact, orders placed by the neighbors, or the goods and services offered.
11. A licensee must not make statements to the people contacted indicating or implying that the city license constitutes an endorsement of their activities or products by the city.
12. While conducting regulated activity, a licensee must not be accompanied by a person who is not licensed or is not listed in the license application.
13. No person shall conduct business in residential zoned areas before 10:00 a.m. or after 7:00 p.m.

§ 245-10. Mobile Food Units.
1. State License. Mobile food units shall hold a valid license from the State of Minnesota Department of Health or Department of Agriculture. A license is valid for one vehicle or stand. Any conditions of the State Health Department shall be incorporated into the license issued under this Section. A copy of the license shall be submitted to the City.
2. Insurance. A certificate of insurance evidencing the following forms of insurance. The certificate shall be submitted to the City:
a. Commercial general liability insurance, including products and completed operations coverage, with a limit not less than one million dollars ($1,000,000) for each occurrence/ two million dollars ($2,000,000) aggregate.
b. Automobile liability insurance with a limit not less than one million dollars ($1,000,000) combined single limit.
c. The City of Isanti shall be named as an additional insured and provided with a certificate of insurance.
d. A signed statement that the licensee shall defend and indemnify the City, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license.
3. Duration of sales and unit standards. A license shall be valid for one year. The license is valid for one vehicle or stand only. The mobile food unit can operate in the same location for a time period not to exceed 6 months. The unit, stand or vehicle must not have rust, peeling paint, dents and must be maintained in a professional manner. The vehicle or stand must be approved for aesthetics by the City. The license must be displayed in plain view on the vehicle/stand.
4. Overnight storage. No overnight storage of a mobile food truck on city property, including public rights of way, shall be permitted.
5. Signs. No mobile food unit shall use exterior signage (unless issued a temporary sign permit), flags, feathers, banners, bollards, or any other equipment not contained on or within the vehicle or stand.
6. Noise and Lighting. No shouting, blowing a horn, ringing a bell, or use of any sound devices upon any streets, alleys, parks, or other public places of the city or upon any private premises in the city. No vendor shall use or maintain any outside amplifying equipment, televisions, or similar entertainment devices. Lighting will be downcast, concealing light source from view, and must not spill onto adjacent properties and right of ways. Ice cream trucks traveling through a residential district may have outdoor music or noise-making devices to announce their presence.
7. Parking. Mobile food trucks must be located on a paved surface. A mobile food unit may not operate in a traffic lane, on a sidewalk, or in any location which causes an obstruction of traffic, such as queuing of patrons or advancement of vehicles. A pedestrian walkway of 6 feet must be maintained on the service side of the vehicle.
8. Hours of operation. Hours of operation shall be allowed from 8:00 a.m. to 10:00 p.m. In the case of an event authorized under a special event permit, the hours will match the time period indicated in the permit.
9. Waste disposal. Mobile food units shall provide waste disposal, clean up all litter and garbage generated by this use and maintain their site in a clean and hazard free condition. All waste liquids shall be kept in leak proof, nonabsorbent containers which shall be kept covered with tight fitting lids and properly disposed of. No waste liquids, garbage, litter or refuse shall be dumped or drained into the sidewalks, streets, gutters, drains or public trash receptacles. The licensee shall be responsible for all litter and garbage left by customers.
10. Self-containment. Mobile units can't connect to public utilities unless on private property through agreement with the property owner. No power, cable or equipment shall be extended at any grade across any city street, alley, or sidewalk. Any generators must be self-contained and any noise created by their operation shall not cause a public nuisance, as per Chapter 216, Nuisances.
11. Inspections, Mobile units shall comply with all applicable Fire Codes and may be inspected by the City prior to operation.
12. Locations. Mobile food units shall only be allowed to operate on private property in zoning districts where retail sales are allowed as permitted or conditional uses under the City's zoning codes. Mobile food units may be allowed in public rights of way, residential or park zoning districts in conjunction with an approved special event permit.
13. The mobile food vendor shall not set-up in a manner so to create a traffic hazard and follow police orders. The mobile food unit shall not have a drive through. Ingress and egress to private property shall be through existing driveways only.
14. Mobile food units providing external seating must not block any sidewalk or driveway area or occupy any required parking spaces.
15. Ice cream novelty trucks are allowed to operate within the public right of way in residential districts.
16. Mobile food units are prohibited from vending activities within 150 feet of a food service building or within 500 feet of a community event, unless part of the sponsor license and/ or special event permit for the event.
17. No mobile food unit shall sell alcoholic beverages.
18. Mobile food unit vendors shall maintain a fire extinguisher at all times.
19. Mobile food vendors shall maintain their immediate sales location in a clean and hazard free condition.
20. The mobile food vendor shall not operate in such a manner so as to constitute a public nuisance.

§ 245-11. Exclusion by Placard.
No peddler, solicitor or transient merchant, unless invited to do so by the property owner or tenant, shall enter the property of another for the purpose of conducting business when the property is marked with a sign or placard at lease four inches long by four inches wide with print of at least 48 point in size stating "No Peddlers, Solicitors, or Transient Merchants" or "Peddlers, Solicitors and Transient Merchants Prohibited" or other comparable statement. No person other than the property owner or tenant shall remove, deface or otherwise tamper with any sign or placard under this section.

§ 245-12. Special Events.
The following standards shall apply to all events that are authorized by a special event permit.
1. It is not necessary for each transient merchant or mobile food unit to obtain a license under this chapter provided that the sponsor, promoter or organizer of the event obtains a permit and maintains a list of all participants and assumes responsibility for their activities and conduct.
2. The sponsor, promoter or organizer of the event may designate where peddlers and transient merchants and mobile food unit set up their booths, sales stands or vehicles.

§ 245-13. Suspension; Revocation.
1.The city may suspend or revoke an identification card and/or license, if the person who is the acting on behalf of the licensee, or the licensee has:
a. Violated a provision of this section, or other local laws governing the same activity, during the license period;
b. Violated a criminal law during the license period that adversely reflects on the ability to honestly, safely, or lawfully conduct the regulated activity; or
c. Submitted false information or omitted material information in the licensing process required by this section.
2. If a license is revoked or suspended, all licenses issued to people acting on behalf of the licensee are automatically revoked or suspended.

§ 245-14. Penalty, Enforcement.
1.The Chief of Police, and their designees are authorized to enforce this ordinance. They may impound a license when a person has been found violating a provision of this chapter, when cause exists for suspending or revoking the license, or when the license has been suspended or revoked. When impounding a license, the official must send a notice to the licensee and at the address on the application form, giving the parties ten days to submit a written request for a hearing before the city council. Failure to timely request an appeal constitutes a waiver of that appeal and results in an automatic suspension of the license or card for three years.
2. Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a maximum fine of $1,000 or a term of imprisonment not to exceed 90 days, or both, plus costs of prosecution in either case.

Section 3 – Effective Date. This ordinance becomes effective on the date of its publication in the city's official newspaper.
Adopted by the City Council this 4th day of February 2020.
/s/ Jeff Johnson, Mayor
Attest:
/s/ Katie Brooks
Human Resources/City Clerk

Published in the Isanti-Chisago County STAR on Feb. 13, 2020

ORDINANCE NO. 721

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 666 ADOPTED ON JANUARY 3, 2017, AND TITLED BURNING, OPEN

The City Council of the City of Isanti, Minnesota ordains:
Section 1 – Repealer. Ordinance No. 666 titled Burning, Open, codified in Chapter 119 of the City Code, is hereby repealed in its entirety and replaced with the ordinance set forth below.
Section 2 – Ordinance. The following Chapter 119 is hereby adopted:

Chapter 119
Burning, Open

ARTICLE I
General Provisions
119-1. Definitions
119-2. Provisions Adopted by Reference
ARTICLE II
Open Burning
119-3. Purpose.
119-4. Permit.
119-5. Denial
119.6. Permit Holder Responsibility
119.7. Revocation
119.8. Violations and Penalties

ARTICLE I
General Provisions

119-1. Definitions.
The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.
OPEN BURNING – The burning of any matter if the resultant combustion products are emitted directly to the atmosphere without passing through a stack, duct or chimney, except a recreational fire.
RECREATIONAL FIRE – A fire set with approved starter fuel no more than three feet in height, contained within the border of a recreational fire site using dry, clean wood; producing little detectable smoke, odor or soot beyond the property line; conducted with an adult tending the fire at all times; for recreational, ceremonial, food preparation or social purposes; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans, and air quality so that nuisance, health or safety hazards will not be created. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers and propane or natural gas devices are not defined as recreational fires.

119-2. Provisions adopted by reference.
The provisions of Minn. Stats. §§ 88.16 and 88.17 and Minnesota State Fire Code (where adopted), are adopted by reference and made a part of this Code as if fully set forth at this point.

ARTICLE II
Open Burning

119-3. Purpose.
The purpose of this article is to establish permitted categories of open burn events for residences and farms within the city and provide for a permitting process for residential and agricultural open burning, except when such open burning is defined as a "recreational fire" as prescribed in this article.

119-4. Permit.
A. No person shall start or allow any open burning on any property in the city without first having obtained an open burn permit, except that a permit is not required for any fire that is a recreational fire as defined herein.
B. Application ~~and Fees~~.
(1) Open burning permits shall be obtained by making application on a form prescribed by the department of natural resources (DNR). The DNR permit application shall be presented to the Isanti Fire District for review prior to the start of any open burning.
(2) DNR open burning applications are available free of charge at the Isanti Fire District office at 401 1st Ave NW in the City of Isanti.

119-5. Violations and Penalties.
Any person violating any provision of this chapter is guilty of a misdemeanor and upon conviction shall be punished by a fine of not to exceed $1,000 or imprisonment for a period not to exceed 90 days, or both, plus costs of prosecution in either case.
Section 3 – Effective Date. This Ordinance takes effect upon its passage and publication in the official newspaper of the City of Isanti.
Adopted by the City Council this 4th day of February 2020.
/s/ Mayor Jeff Johnson
Attest:
/s/ Katie Brooks
Human Resources/City Clerk

Published in the Isanti-Chisago County STAR on Feb. 13, 2020

ORDINANCE NO. 722

AN ORDINANCE TO AMEND THE CODE FOR THE CITY OF ISANTI, CHAPTER 8 CITY COUNCIL, ARTICLE III, SECTION 8-21 ORDER OF BUSINESS AND 8-26 PUBLIC COMMENT AT COUNCIL MEETINGS AND AT PUBLIC HEARINGS

THE CITY COUNCIL OF THE CITY OF ISANTI DOES ORDAIN:
Chapter 8, Article III, Section 8-21: Section 8-21. Order of Business, is amended as follows:
Section 8-21. Order of business. The order of business for all council meetings shall be:
A. Call to Order
B. Pledge of Allegiance
C. Call of Roll
D. Public Comment (as held)
E. Adopt Agenda
F. Proclamations/Commendations/ Certificate Awards (if needed)
G. Approval of minutes
H. Announcements
I. Council Committee reports
J. Public hearings (when scheduled)

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K. Business items
L. Consent agenda
M. Other communications
N. Closed Session (only if needed)
O. Adjournment

Section 8-26. Public comment at Council meetings and at Public Hearings C. subparagraphs (3) (9) (10) are deleted and replaced and (13) is deleted as follows:

C. Public comment period. As a part of the regular meeting of the City Council, in accordance with Section 8-21 Order of Business, of this chapter; an informal forum titled "Public Comment" may be held. Public comments during this forum are subject to these limitations:

(3) The presiding officer may place a time limit on the public comment period, if necessary, to allow for the conduct of city business. If there is not sufficient time to hear all public comments, the comment period may be deferred to the next regular meeting or at a continued meeting.

(9) No Council action may take place during public comment. However, Council members may express their views or reaction to a presentation, or ask questions of the presenter. The Council may direct the City Administrator or designee to address specifics in nature, to research and report back at an upcoming regular meeting, or request an amendment to the regular meeting agenda to further discuss, provide direction to staff or take action.

(10) Public comment items are restricted to City governmental topics, and are not a platform for private agendas, to make personal attacks, to air personality grievances, to make political endorsements, or for political campaign purposes.

EFFECTIVE DATE

This Ordinance takes effect upon its passage and publication in the official newspaper of the City of Isanti.

Adopted by the City Council this 4th day of February 2020.

/s/ Mayor Jeff Johnson
Attest:
/s/ Katie Brooks
City Clerk / Human Resources

Published in the Isanti-Chisago County STAR on Feb. 13, 2020

ORDINANCE NO. 723

AN ORDINANCE REPEALING CHAPTER 68 OF THE ISANTI CITY CODE OF ORDINANCES RELATING TO ADULT USES AND ADOPTING A NEW CHAPTER 68

The City Council of the City of Isanti hereby ordains:

Section 1. The current Chapter 68 of the Isanti City Code of Ordinances for the City of Isanti is repealed.

Section 2. The following new Chapter 68 is adopted:

CHAPTER 68. ADULT ESTABLISHMENTS

§ 68-1. Findings and Purpose.

Studies conducted by the Minnesota Attorney General and the Texas City Attorneys' Association, as well as the cities of St. Paul, Alexandria, and Rochester, Minnesota; Indianapolis, Indiana; Phoenix, Arizona; Los Angeles, California; Seattle, Washington; St. Croix County, Wisconsin; Adams County and the City of Denver, Colorado, have examined the impact that adult establishments have on their respective communities. These studies concluded that adult establishments have an adverse impact on surrounding neighborhoods. Those impacts include increased crime rates, lower property values, increased transiency, neighborhood blight and potential health risks. The City Council of the City of Isanti is relying on the studies, many of which were conducted in larger cities, recognizing that the same or similar adverse impacts could occur in a small city such as the City of Isanti. Based on these studies, the City Council makes the following findings regarding the need to regulate adult establishments:

A. The public health, safety, morals and general welfare will be promoted by the city adopting regulations governing adult establishments.

B. Adult establishments have adverse secondary impacts of the types set forth above.

C. The adverse impacts caused by adult establishments tend to diminish if adult establishments are governed by location requirements, licensing requirements and health requirements.

D. It is not the intent to prohibit adult establishments from having a reasonable opportunity to locate in the city.

E. Many members of the public perceive areas within which adult establishments are located as less safe than other areas that do not have such uses.

F. A reasonable licensing procedure is an appropriate mechanism to place the burden of reasonable regulation on the owners and the operators of the adult establishment. A licensing procedure will place an incentive on the operators to see that the adult establishment is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the City. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually-oriented business, fully in possession and control of the premises and activities occurring therein.

G. The fact that an applicant for an adult use license has been convicted of a sexually-related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this Chapter.

H. The general health, safety, and welfare of the community is promoted by prohibiting nudity in adult establishments. This prohibition is based on concerns of potential adverse effects such as prostitution, exposure to minors, and obscenity.

I. Small cities experience many of the same adverse impacts of adult establishments present in larger communities.

§ 68-2. Definitions.

For the purposes of this chapter only, the words and phrases below are defined as follows:

A. Adult Establishment. Any business that:

(1) devotes a substantial or significant portion of its inventory, stock-in-trade, or publicly-displayed merchandise, or devotes a substantial or significant portion of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to, or derives a substantial or significant portion of its gross revenues from items, merchandise, devices or other materials distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas; or

(2) engages in any Adult Use as defined in Paragraph (B) of this section.

B. Adult Use. An adult use is any of the activities and businesses described below:

(1) Adult Bookstore or Videostore. An establishment or business used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, video, videotape, movies, or motion picture film if a substantial or significant portion of its inventory, stock in trade, or publicly-displayed merchandise consists of, or if a substantial or significant portion of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) is devoted to, or if substantial or significant portion of its gross revenues is derived from items, merchandise, devices or materials that are distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, or relating to specified sexual activities or specified anatomical areas.

(2) Adult Entertainment Center. A business or establishment that provides dancing or other live entertainment distinguished or characterized by an emphasis on the presentation, display, or depiction of "specified sexual activities" or "specified anatomical areas."

(3) Adult Companionship Establishment. A business or establishment that provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

(4) Adult Conversation/Rap Parlor. A business or establishment that provides the service of engaging in or listening to conversation, talk or discussion, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

(5) Adult Health/Sport Club. A health/sport club, which is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

(6) Adult Hotel or Motel. Adult hotel or motel means a hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

(7) Adult Massage Parlor, Health Club. A massage parlor or health club which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

(8) Adult Motion Picture Theater. A motion picture theater that as a prevailing practice presents movies distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons.

(9) Adult Modeling Studio. An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in "specified sexual activities" or display "specified anatomical areas" while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.

(10) Adult Motion Picture Arcade. Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

(11) Adult Novelty Business. A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

(12) Adult Sauna. A sauna that provides a steam bath or heat bathing room used for the purpose of bathing, relaxation or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

Adult Steam Room/Bathhouse Facility. A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

C. "Nude" or "Specified Anatomical Areas" means:

(1) The showing of the human male or female genitals, pubic area, buttocks, or anus with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; the exposure of any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum anal region or pubic hair region; or the exposure of any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areola; or

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

D. "Specified Sexual Activities" means:

(1) Actual or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, necrophilia, masochism, sadism or sadomasochism, fellatio or cunnilingus; or

(2) Depiction or display of human genitals in the state of sexual stimulation or arousal; or

(3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

E."Substantial or Significant portion" means: 25 % or more.

§ 68-3. Location.

Adult establishments may only be located as permitted in Section 8, Article 1, Subdivision 2 of the City Code.

§ 68-4. License Required.

No person, firm or corporation shall own or operate an adult establishment without having first secured a license as provided for in this chapter.

A. Applications. The application for an adult establishment license shall be submitted on a form provided by the city and shall include:

(1) The name, residence, phone number and birth date of the applicant, if an individual; and if a corporation or partnership, the names, residences, phone number and birth dates of each partner and all officers, directors, and controlling stockholders for the business;

(2) The name, address, phone number and birth date of the manager of such operation, if different from the owners;

(3) Whether the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places where used;

(4) The address and legal description of the premises where the adult establishment is to be located;

(5) A statement detailing each gross misdemeanor or felony relating to a sex offense, obscenity offense or offense related to the operation of adult uses and related activities of which the applicant, or in the case of a corporation or partnership, the owners, partners, officers, directors and controlling stockholders have been convicted, and whether or not the applicant has ever applied for or held a license to operate a similar type of business in other communities;

(6) The activities and types of business to be conducted;

(7) The hours of operation, which shall be limited to 8:00 a.m.-1:00 a.m.;

(8) The provisions made to restrict access by minors;

(9) A building plan of the premises detailing all internal operations and activities.

B. Fees.

(1) Each application for a license shall be accompanied by a receipt from the city for payment in full of the required license fee. Upon rejection of any applications for a license, the Finance Director shall refund the amount paid.

(2) All licenses shall expire at 12:00 midnight on March 31 of each year. Each license shall be issued for a period of one year, except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro-rated fee. In computing such fee, any unexpired fraction of a month shall be counted as one month.

(3) The annual license fee for adult establishments shall be in the amount as set forth in the current City fee schedule.

(4) No part of the fee paid for any license shall be refunded except in the following instances upon application to the City Council within 30 days from the happening of the event. There shall be refunded a pro rata portion of the fee for the unexpired period of the license, computed on a monthly basis, when operation of the licensed business ceases not less than one month before expiration of the license because of:

a. Destruction or damage of the licensed premises by fire or other catastrophe;

b. The licensee's illness;

c. The licensee's death;

d. A change in the legal status making it unlawful for the licensed business to continue.

C. Review and Action on License Application.

(1) The City Council, or such persons as they designate, must complete their investigation within 30 days after the city receives a complete application and all license and investigative fees.

(2) If the application is for a renewal, the applicant shall be allowed to continue business until the City Council has determined to renew or refuse to renew a license. Application for renewal must be submitted with the annual license fee not later than 30 days before the license expires.

(3) If, after such investigation, it appears that the applicant and the place proposed for the business are eligible for a license under the criteria set forth in this subsection, then the license shall be issued by the City Council within 30 days after the investigation is completed. Otherwise the license shall be denied.

(4) Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application. No license may be transferred to another premise without the approval of the City Council. If the licensee is a partnership or a corporation, a change in identity of any of the principals of the partnership or corporation shall be deemed a transfer of the license.

(5) An applicant for any license under this section shall deposit with the city at the time an original application is submitted, an amount as set forth in the current City fee schedule to cover the costs involved in verifying the license application and to cover the expense of any investigation needed to assure compliance with this section. If the investigation and verification process is conducted outside the state of Minnesota, the city may require the actual investigation costs not exceeding the amount set forth in the current City fee schedule.

D. Persons Ineligible for License. No license shall be granted to or held by any person:

(1) Under 18.

(2) Who has been convicted of a felony or of violating any federal law, state law or local ordinance relating to sex offenses, obscenity offenses or adult establishments, unless the applicant can show competent evidence of sufficient rehabilitation under Minn. Stat. § 364,05, subd. 3.

(3) Who is not the proprietor of the establishment for which the license is issued.

(4) Who has failed to supply all of the information requested on the license application;

(5) Who gives false, fraudulent, or untruthful information on the license application;

(6) Who has not paid the required license and investigation fees;

(7) Who has been denied a license by the City or any other municipal corporation to operate an adult establishment, or such license has been suspended or revoked, within the preceding twelve (12) months.

E. Places Ineligible for License.

(1) No license shall be granted for adult establishments on any premises where the owner or the applicant has been convicted of a violation of this chapter, or where any license hereunder has been revoked for cause, until one year has elapsed after such conviction or revocation.

(2) Except for uses lawfully existing at the time of this ordinance adoption, no license shall be granted for any adult establishment, which is not in compliance with the city's zoning regulations or applicable building code.

(3) Establishments holding an intoxicating liquor, beer or wine license are ineligible for a license.

(4) No license shall be granted for operation on any premises upon which taxes, assessments, or installments thereof, or other financial claims of the city, are owed by the applicant and are delinquent and unpaid.

F. Conditions of License.

(1) Every license shall be granted subject to the following conditions and all other provisions of this chapter, and of any applicable sections of the code of the city, state law, or federal law, whichever is more restrictive.

(2) All licensed premises shall have the license posted in a conspicuous place at all times.

(3) No minor shall be permitted on the licensed premises.

(4) Any designated inspection officer of the city shall have the unqualified right to enter, inspect and search the premises of a licensee during business hours.

(5) Every licensee shall be responsible for the conduct of his or her place of business and shall maintain conditions of order.

(6) An adult establishment shall not sell or dispense non-intoxicating or intoxicating liquors nor shall it be located in a building which contains a business that sells or dispenses non-intoxicating or intoxicating liquors.

G. Hearing and Appeal Procedures.

Denials, non-renewals, suspensions and revocations of an adult establishment license are governed by this subsection.

(1) Notice and Hearing. In the event that the City proposes to deny or not to renew, suspend or revoke a license, the City will notify the applicant/licensee in writing of the basis for the action. The Council will hold a hearing for the purpose of determining whether to deny, not renew, suspend, or revoke the license. The hearing must be within 30 days of the date of the notice. The City Council must make a decision within 30 days after the close of the hearing or within 60 days of the date of the notice, whichever is sooner. The Council must notify the applicant/licensee of its decision within that period.

(2) Suspension or Revocation. If the Council determines to suspend or revoke a license, the suspension or revocation is not effective until 15 days after notification of the decision to the licensee. If, within that 15 days, the licensee files and serves an action in state or federal court challenging the Council's action, the suspension or revocation is stayed until the conclusion of such action.

(3) Non-renewal. If the City Council determines not to renew a license, the licensee may continue its business for 15 days after receiving notice of such nonrenewal. If the licensee files and serves an action in state or federal court within the 15 days for the purpose of determining whether the City acted properly, the licensee may continue in business until the conclusion of the action.

(4) Prompt Judicial Review. After denial or non-renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such action in any court of competent jurisdiction. The court shall promptly review such action.

§ 68-5. Violations and Penalties.

Any person violating any provision of this chapter is guilty of a misdemeanor and upon conviction shall be punished not more than the maximum penalty for a misdemeanor as prescribed by state law.

The City may enforce any provision of this Chapter by mandamus, injunction, or any other appropriate civil remedy in any court of competent jurisdiction, regardless of the status of any related criminal prosecution.

§ 68-6. State Law Inapplicable.

Minnesota Statutes, section 617.242 shall not apply in the City.

§ 68-7. Severability.

The provisions of this chapter shall be severable. If any provision is found to be void, the remaining provisions of the law shall remain valid, unless the court finds the valid provisions of the law are so essentially connected with the void provisions so that the court cannot presume the Council would have enacted the remaining valid provisions without the void one; or unless the court finds the remaining valid provisions, standing alone are incomplete and incapable of being executed in accordance with the legislative intent.

Section 3. This ordinance shall take effect and be in force from and after its publication in the official newspaper of the City of Isanti.

/s/ Mayor Jeff Johnson
Attest:
/s/ Katie Brooks
Human Resources/City Clerk

Published in the Isanti-Chisago County STAR on Feb. 13, 2020

COUNTY

NOTICE OF PUBLIC MEETING ISANTI COUNTY ECONOMIC DEVELOPMENT AUTHORITY

Public Notice is hereby given that the Isanti County Economic Development Authority will hold meetings on April 28, 2020, July 28, 2020, and October 27, 2020, at 9:00 a.m. in the County Board Room of the Isanti County Government Center, 555 18th Ave SW, Cambridge, Minnesota 55008.

By order of the Isanti County Board of Commissioners on this 5th day of February, 2020.

Julia Lines
Isanti County Administrator

Published in the Isanti-Chisago County STAR on Feb. 13, 2020

SUMMARY PUBLICATION OF THE PROCEEDINGS OF THE ISANTI COUNTY BOARD OF COMMISSIONERS ISANTI COUNTY, MINNESOTA

Per Minnesota Statutes 375.12 Publication of Proceedings.

Meeting held on Wednesday, January 22, 2020, at 9:00 a.m. – Government Center Boardroom

A detail of the entire minutes are available for public inspection in the Isanti County Administrator's Office or by visiting our website at www.co.isanti.mn.us

Members Present: Chairperson Greg Anderson; Commissioners Terry Turnquist, Dave Oslund, Mike Warring

Members Absent: Commissioner Susan Morris

Others Present: L Giese, J Edblad, M Jensen, K Hansen, C Struss, and H Nelson; (Reporter: J Kotila, N Olson)

O0o Chairperson Anderson called the meeting to order and led the assembly in the Pledge of Allegiance.

O0o Public Comment Session. Public Comment was made.

20/01-31 Turnquist/Oslund, to approve the January 22, 2020, County Board Agenda. Carried. Absent: Morris.

20/01-32 Oslund/Warring, to approve the January 7, 2020, County Board Meeting Minutes. Carried. Absent: Morris.

20/01-33 Turnquist/Oslund, to approve the following Personnel Actin Items (on file). Carried. Absent: Morris.

20/01-34 Warring/Oslund, to set a joint meeting with the Board of Adjustment and Planning Commission on Tuesday, February 27, 2020, at 6:00 p.m. in the Board Room of the Isanti County Government Center, 555 18th Avenue SW, Cambridge, MN. The purpose of this joint meeting is to discuss topics of interest as it relates to Zoning Ordinances with the Isanti County Board of Commissioners, Isanti County Board of Adjustment and Isanti County Planning Commission. Carried. Absent: Morris.

20/01-35 Turnquist/Oslund, to approve the 2020 Employee Dishonesty and Faithful Performance Duty Bond Coverage. Carried. Absent: Morris.

20/01-36 Oslund/Warring, to approve the existing Isanti County Personnel Policy Section 10.4 Voluntary Leave of Absence Without Pay as follows: 10.4 VOLUNTARY LEAVE OF ABSENCE WITHOUT PAY (on file). Carried. Absent: Morris.

20/01-37 Warring/Anderson, to approve the following claims and warrants:

Anoka County Treasury	$24,157.75
Beaudry Oil & Propane	$8,730.00
Blaine Brothers	$8,751.21
Boyer Trucks	$10,926.44
Cambridge Drift Dusters	$7,223.09
Cargill, Inc.	$5,184.42
CDW Government	$17,072.60
Compass Minerals America	$70,758.65
East Central Reg. Library	$222,419.00
Family Pathways	$11,560.00
Federated Co-Ops	$17,395.36
Graham/Gerald J	$10,200.00
Grandy Northern Lites	$7,345.51
Isanti Co Commission on Aging	$15,000.00
Isanti Co Historical Society	$20,550.00
Isanti Soil & Water Cons. Dist.	$56,228.00
Jeff's Outdoor Services	$19,720.01
MCCC, Bin #135033	$8,900.60
Mystic Riders	$22,495.63
Nac Mechanical	$10,344.32
Pepin/Earl R	$21,915.00
Ratwik, Roszak & Maloney	$11,054.76
Soderman/David C & Debra	$7,400.00
Swanson/Bruce M & Jausica J	$6,000.00
T&T Sports & Lawn	$6,200.00
Ziegler	$160,453.13
Total Claims & Warrants	$787,985.48

Carried. Absent: Morris.

O0o Mark Jensen, Fiscal Supervisor, presented the agency's monthly financial report to the Board.

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20/01-38 Turnquist/Warring, to approve the expense claim for Mary Holada past the allowed time frame in the amount of $286.50. Carried. Absent: Morris.
20/01-39 Turnquist/Warring, to approve the following contracts: Amendment for Grant Contracts (Department of Human Services Contract for Crisis); Contract between Isanti County Family Services as Fiscal Host for Regional Crisis Services and Canvas Health; Contract between Isanti County Family Services Acting as Fiscal Host for Adult Mental Health Initiative and Central MN Housing Partnership; Contract between Isanti County Family Services Acting as Fiscal Host for Regional Crisis Services Training and Canvas Health, Therapeutic Services Agency, Lighthouse Child and Family Services and First Call for Help; and the Purchase of Transportation Service Agreement between Isanti County Family Services and B.R.A.S.S. Security, LLC. Carried. Absent: Morris.
O0o The Board was advised that the number of Income Maintenance cases as shown by the MAXIS system as of December 31, 2019, was 2,171.
20/01-40 Warring/Anderson: 1) Approval was given for all public assistance and social service actions, public assistance and social service expenditures, and social welfare expenditures as listed on the agenda of this meeting and as detailed in supporting documents maintained in the Family Services Department and 2) Payment of the following Family Services Department claims for Public Assistance, Administration, and Social Services was approved:

Anoka Metro RTC-412/(1)	$94,928.00
Department of Human Svcs	$60,966.98
Isanti County Auditor-Treasurer	$26,976.00
MN Counties Computer Coop.	$5,576.00
Next Chapter Technology	$89,866.00
Village Ranch Inc	$5,832.03
Auditors	$209,044.94
Total Family Svcs. Vouchers	$493,189.95

Carried. Absent: Morris.
20/01-41 Oslund/Warring, to approve the following resolution: A RESOLUTION ESTABLISHING AN ABSENTEE BALLOT BOARD (on file). Carried. Absent: Morris.
20/01-42 Warring/Oslund, to approve the following resolution: ACCEPTANCE OF DONATIONS TO ISANTI COUNTY (on file). Carried. Absent: Morris.
20/01-43 Oslund/Turnquist, to approve the payment to Waste Management in the amount of $3,853.65 for the month of December 2019, for material recycled and marketed; further said funds to come from SCORE. Carried. Absent: Morris.
20/01-44 Turnquist/Warring, to approve the appointment of Matt Sylvester to the 2020 Water Plan Task Force, replacing Josie Wood for the City of Isanti. Carried. Absent: Morris.
PLANNING COMMISSION ACTIONS
20/01-45 Oslund/Warring, to approve the request of Keith and Joanne Moody and Gayle Kostanshek, 8583 County Road 5 NW, Princeton, MN 55371, to present a preliminary plat of Moody's Place. Legal description is Pt. of the SE ¼ of the NW ¼ & the E ½ of the NW ¼ Fct & SW ¼ of the NE ¼ & Pt NE ¼ of the SW ¼ of Section 8, Township 35, Range 25, Spencer Brook Township, with the following conditions (on file). Carried. Absent: Morris.
20/01-46 Turnquist/Warring, to approve the request of Christopher and Sonia Gallagher, 5418 336th Lane NW, Cambridge, MN 55008, to present a preliminary plat of Towering Pines 2. Legal description is Lot 2 Block 1 Towering Pines of Section 3, Township 35, Range 25 and the W ½ of the NE ¼ Fct of Section 2, Township 35, Range 25, Spencer Brook Township, with the following condition (on file). Carried. Absent: Morris.
20/01-47 Oslund/Warring, to adjourn (9:44 a.m.). Carried. Absent: Morris.
Lindsey Giese, Interim County Administrator
By: Halee Turner, Administrative Assistant II

Published in the Isanti-Chisago County STAR on Feb. 13, 2020

COURT

STATE OF MINNESOTA
ISANTI COUNTY

DISTRICT COURT
PROBATE DIVISION
TENTH JUDICIAL DISTRICT
Court File No. 30-PR-20-1

Estate of
Joel M. Johnson
Decedent

NOTICE AND ORDER OF HEARING ON PETITION FOR PROBATE OF WILL AND APPOINTMENT OF PERSONAL REPRESENTATIVE AND NOTICE TO CREDITORS IN A SUPERVISED ADMINISTRATION

It is Ordered and Notice is given that on March 3, 2020, at 9:00 AM, a hearing will be held in this Court at the Courthouse in Cambridge, Minnesota, for the formal probate of an instrument purporting to be the will of the Decedent, dated November 22, 2019, and for the appointment of Robert Southwick, whose address is 2501 Leonard Street, Apartment 307, Duluth, Minnesota 55811, as personal representative of the Estate of the Decedent in a SUPERVISED administration. Any objection to the Petition must be filed with the Court prior to or raised at the hearing. If proper and if no objections are filed or raised, the personal representative will be appointed with full power to administer the Estate including the power to collect all assets, to pay all legal debts, claims, taxes and expenses, to sell real and personal property, and do all necessary acts for the Estate.
Notice is also given that (subject to Minn. Stat. 524.3-801) all creditors having claims against the Estate are required to present the claims to the personal representative or to the Court Administrator within four months after the date of this Notice or the claims will be barred.

January 30, 2020
Judge Amy Brosnahan
January 30, 2020
Tracey Gullerud
Court Administrator

Attorney for Personal Representative
David A. Stromgren #106562
403 North 57th Avenue West
Duluth, Minnesota 55807
(218) 624-5766
david@stromgrenlaw.com

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STATE OF MINNESOTA
COUNTY OF CHISAGO

DISTRICT COURT
TENTH JUDICIAL DISTRICT
PROBATE DIVISION
Court File No. 13-PR-20-8

In Re: Estate of
Susan Kay Overman
a/ka Susan K. Overman,
Decedent

ORDER AND NOTICE OF HEARING ON PETITION FOR SUMMARY ASSIGNMENT OR DISTRIBUTION AND NOTICE TO CREDITORS

TO ALL INTERESTED PERSONS AND CREDITORS:
It is Ordered and Notice is hereby given that on the 28th day of February, 2020, at 1:30 p.m., a hearing will be held in the above-named court at the Chisago County Government Center, 313 N. Main Street, Center City, Minnesota, on the petition of Steven D. Carlson for summary assignment or distribution; any objections thereto must be filed with the court.
Notice is further given to ALL CREDITORS having claims against said estate are required to present the same to the Court Administrator of the court within four (4) months after the date of this notice or said claims will be barred.

January 30, 2020
Suzanne Bollman
Judge of District Court

Nathan P. Fuglestad
Attorney for Petitioner
FUGLESTAD LAW OFFICE
P.O. Box 277 - 6349 Main Street
North Branch, MN 55056
(651) 674-6259
fuglestadlaw@gmail.com
Att. Reg. No. 223839

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FORECLOSURES

NOTICE OF FORECLOSURE SALE PURSUANT TO VOLUNTARY MORTGAGE FORECLOSURE AGREEMENT

Date: January 20, 2020
YOU ARE NOTIFIED THAT:
1. Default has occurred in the conditions of the Mortgage dated May 30, 2018, executed by Homes By Legacy, L.L.C., a Minnesota limited liability company, as Mortgagor, to Alliant Finance, LLC, a a Minnesota limited liability company, as Mortgagee, and filed for record May 31, 2018, as Document No. A475446 in the Office of the Recorder of Isanti County, Minnesota. Homes By Legacy, L.L.C., a Minnesota limited liability company, is the Mortgagor as that term is defined by Minn. Stat. §582.32, Subd. 2(g). The land described in the Mortgage is not registered land.
2. The original principal amount secured by the Mortgage was: Three Hundred Ninety Thousand and No/100 Dollars ($390,000.00).
3. No action or proceeding at law is now pending to recover the debt secured by the Mortgage, or any part thereof.
4. The holder of the Mortgage has complied with all conditions precedent to acceleration of the debt secured by the Mortgage and foreclosure of the Mortgage, and all notices and other requirements of applicable statutes.
5. At the date of this notice, the amount due on the Mortgage, and taxes, if any, paid by the holder of the Mortgage is: One Hundred Eighty-Four Thousand Eight Hundred Sixty-Eight and 01/100 Dollars ($184,868.01).
6. This mortgage foreclosure is being conducted in accordance with the terms and conditions of a Voluntary Mortgage Foreclosure Agreement dated January 8, 2020.
7. Pursuant to the power of sale in the Mortgage, the Mortgage will be foreclosed, and the land legally described as: Lot 15, Block 2, The Preserve at Parkwood, Isanti County, Minnesota
will be sold by the County Sheriff of Isanti County, Minnesota, at public auction on March 19, 2020, at 10:00 a.m. at the Sheriff's office, 2440 South Main Street, Cambridge, Minnesota.
8. The time allowed by law for redemption by Mortgagor or Mortgagor's personal representatives or assigns is **two (2) months** after the date of sale. Each holder of a junior lien may redeem in the order and manner provided in Minnesota Statutes §582.32, Subd. 5(d), beginning after the expiration of the mortgagor's redemption period.
The following information is provided pursuant to Minnesota Statutes Sections 580.025 and 580.04:
(1) Street Address of Property: 663 Alaska Place, Cambridge, MN 55008
(2) Name of Transaction Agent, Residential Mortgage Servicer, Lender &/or Broker: N/A
(3) Tax Parcel Identification Number of the Property: 15.173.0210
(4) Transaction Agent's Mortgage Identification Number, if known: N/A
(5) Name of Mortgage Originator, if stated on mortgage: N/A
(6) Date on which Occupant must vacate Property, if mortgage is not reinstated under Section 580.30 or property redeemed under 580.23: 11:59 p.m. on September 21, 2020.
THE TIME ALLOWED BY LAW FOR REDEMPTION BY THE MORTGAGOR, THE MORTGAGOR'S PERSONAL REPRESENTATIVES OR ASSIGNS, MAY BE REDUCED TO FIVE (5) WEEKS IF A JUDICIAL ORDER IS ENTERED UNDER MINNESOTA STATUTES, SECTION 582.032, DETERMINING, AMONG OTHER THINGS, THAT THE MORTGAGED PREMISES ARE IMPROVED WITH A RESIDENTIAL DWELLING OF LESS THAN FIVE (5) UNITS, ARE NOT PROPERTY USED IN AGRICULTURAL PRODUCTION, AND ARE ABANDONED.

Alliant Finance, LLC
HELLMUTH & JOHNSON, PLLC
Dated: January 20, 2020
By: Joel A. Hilgendorf,
I.D. # 315953
Attorneys for Mortgagee
8050 West 78th Street
Edina, MN 55439
(952) 941-4005

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NOTICES

Office of the Minnesota Secretary of State
Certificate of Existence and Registration

I, Steve Simon, Secretary of State of Minnesota, do certify that: The entity listed below was filed under the chapter of Minnesota Statutes listed below with the Office of the Secretary of State on the date listed below and that this entity or filing is registered at the time this certificate has been issued.
Name: Braham Hardware Hank
Date Filed: 01/23/2020
File Number: 1136579900035
Minnesota Statutes, Chapter: 333
Home Jurisdiction: Minnesota
This certificate has been issued on: 01/27/2020

Steve Simon
Secretary of State
State of Minnesota

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SEE **PUBLIC NOTICES**, PAGE XX