ORDINANCE NO. 20-02
CITY OF LAUDERDALE
COUNTY OF RAMSEY
STATE OF MINNESOTA

AN INTERIM ORDINANCE REGARDING THE REGULATION OF TOBACCO, TOBACCO PRODUCTS, TOBACCO-RELATED DEVICES, NICOTINE OR LOBELIA DELIVERY DEVICES AND ELECTRONIC DELIVERY DEVICES AND THE LOCATIONS OF LICENSEES FOR SALE OF SUCH PRODUCTS

THE CITY OF LAUDERDALE, MINNESOTA, ORDAINS:

Section 1. Authority and Findings.

A. Minn. Stat., section 462.355, subd. 4 provides that if a municipality is conducting studies or has authorized a study to be conducted for the purpose of considering adoption or amendment of a comprehensive plan or official control, the city council may adopt an interim ordinance for the purpose of protecting the planning process and the health, safety and welfare of its citizens. An interim ordinance may regulate, restrict or prohibit any use, development or subdivision within the city for a period not to exceed one year from the effective date of the interim ordinance.

B. Minn. Stat., section 462.352, subd. 15 defines official controls to include ordinances and regulations which control the physical development of the city. The city’s zoning ordinance is an ordinance controlling the physical development of the community and therefor constitutes one of the city’s official controls.

C. A municipality also has inherent authority in the exercise of its police powers to declare a moratorium on certain activities until the city has an opportunity to study the matter and consider the adoption or amendment of its ordinances related thereto.

D. In October, 2018 the city adopted amendments to Title 3, chapter 6 of the code of ordinances regarding the sale of tobacco, tobacco products, tobacco-related devices, nicotine or lobelia delivery devices and electronic delivery devices (“Tobacco Products”).

E. Since the adoption of the amendments to the city’s regulation of Tobacco Products in 2018, there have been changes to federal statutes and regulations regarding the sale and availability of tobacco and electronic delivery devices for flavored products.

F. The city council believes that, in light of recent changes to federal law and the prospect of changes to state law in the near future, additional study is required to ensure that city regulations are not inconsistent with those of other levels of government and that the city’s regulation of Tobacco Products fully expresses the council’s policy on such matters.

G. The city council believes declaring a moratorium on all applications regarding the sale of Tobacco Products and the locations at which sales will be permitted is necessary and prudent to complete the study, give the council sufficient time to evaluate various options regarding the regulation of the sale of Tobacco Products in the city, and protect the planning process and the health, safety and welfare of Lauderdale’s citizens.
Section 2. Study. The city council hereby authorizes a study of the issues relating to city regulation of the sale of Tobacco Products and the locations at which such sales may occur, including the regulation of both closed cartridge and open-tank delivery products and the zoning districts in which retail establishments selling Tobacco Products may locate in the city.

Section 3. Moratorium. In accordance with the above findings, and pending completion of the study, no application for any permit, license or approval of any nature concerning a license to sell Tobacco Products or the transfer of same to another location shall be accepted by the city during the term of this interim ordinance. No additional review or other work on any previously accepted application concerning the same shall be conducted during the term of this interim ordinance. Any previously received application shall be withdrawn by the applicant or the application shall be acted upon by the city in accordance with this interim ordinance.

Section 4. Enforcement. The city may enforce this interim ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction.

Section 5. Separability. Every section, provision or part of this interim ordinance is declared separable from every other section, provision or part. If any section, provision or part of this interim ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision or part.

Section 6. Effective Date; Duration. This ordinance shall take effect upon adoption and publication in the city’s official newspaper. This ordinance shall be effective until the earlier of the following: (a) one year from the effective date of this ordinance, or (b) the date upon which the city council concludes its study of the regulation of Tobacco Products and amends its ordinances and official controls relating to same or determines not to amend its ordinances regarding same.


_____________________________
Mary Gaasch
Mayor

ATTEST:

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Heather Butkowski
City Clerk-Administrator