



MEMORANDUM

**DATE:** April 26, 2021  
**TO:** Honorable Mayor and City Councilmembers  
 Dave Perrault, City Administrator  
**FROM:** Julie Hanson, City Clerk  
**SUBJECT:** Ordinance 2021-002 Amending Appendix A - 2021 Fee Schedule

Budgeted Amount:                      Actual Amount:                      Funding Source:  
 \$    \$

**Council Should Consider**

Motions to approve, table, or deny the following:

- Ordinance 2021-002 Amending Appendix A – 2021 Fee Schedule regarding Illegal Tobacco Sales and Authorize Publication of Summary Ordinance

*All items need a simple majority for action unless otherwise noted.*

**Background/Discussion**

Ordinance 2019-005 prohibiting the sale of flavored tobacco products within the city is being enforced as of April 17, 2021. Walgreens, Holiday Stationstore, Cub Foods, and Brausen (Holiday) had until the end of the business day on April 16, 2021 to remove flavored products from their shelves. An agreement that the City Council reached with Arden Hills Tobacco, the one and only adults-only tobacco store in the city, allows this particular business to continue to sell flavored products until July 1, 2023.

Based on the above, staff recommends that Council consider amending Section XI. Miscellaneous Fees of the City’s 2021 Fee Schedule to reflect Minnesota State Statute 461.12, Subd. 2 as it relates to illegal tobacco sales as outlined below:

Tobacco Sales, Illegal	First Offense	<del>\$150.00</del> \$300.00
Tobacco Sales, Illegal	Second Offense within <u>24</u> <del>36</del> months	\$600.00
Tobacco Sales, Illegal	Third Offense <u>or any subsequent violation</u> within <u>24</u> <del>36</del> months of <u>initial violation</u>	<del>\$1,050.00</del> \$1,000.00 and <u>not less than a 7 business day suspension or 30 day suspension of license and may be revoked + admin fine of \$250 (MN Statute 461.12, Subd. 2)</u>
<del>Tobacco Sales, Illegal</del>	<del>Fourth Offense within 24 months</del>	<del>Revocation of the license for a one year period</del>

Attachment A - redlined version (page 9) of the 2021 Fee Schedule reflects the proposed amendments. Also attached are a clean version of the proposed amended Fee Schedule (Attachment B) as well as a Summary Ordinance to be published in the Pioneer Press if approved by the City Council (Attachment C).

**Budget Impact**

N/A

**Attachments**

A: Ordinance 2021-002 – Appendix A – Amended 2021 Fee Schedule - Redlined

B: Ordinance 2021-002 – Appendix B – Amended 2021 Fee Schedule – Clean Version

C: Summary Ordinance 2021-002