

**From:** James Monge <JMonge@ck-law.com>  
**Sent:** Thursday, July 1, 2021 3:42 PM  
**To:** 'cityclerk@stacymn.org'  
**Subject:** City Code Updates  
**Attachments:** DOCS-#216372-v1-ORDINANCE\_AMENDING\_CHAPTER\_112  
\_REGULATING\_ALCOHOLIC\_BEVERAGES.DOCX; DOCS-#216368-v1-  
ORDINANCE\_REPEALING\_CHAPTER\_114\_OF\_THE\_STACY\_CITY\_CODE.DOCX; DOCS-#216365-v1-  
ORDINANCE\_AMENDING\_CHAPTER\_115  
\_REGULATING\_PEDDLERS\_\_SOLICITORS\_\_AND\_TRANSIENT\_MERCHANTS.DOCX

**Flag Status:** Flagged

Hi Sharon,

I have reviewed Chapters 112, 113, 114, and 115 of the City Code. Here are my comments:

**Chapter 112.**

- I've attached my updates
- I eliminated the need to be a resident of the state to obtain a liquor license.
- I eliminated the need for server training for selling or serving alcohol.
- I left the "other than a hotel" language in the definition of "Restaurant" because that language is in the definition of "Restaurant" in Minn. Stat. § 340A.101 subd. 25.
- Also in the definition of "Restaurant" I changed "small establishment", "medium establishment" and "large establishment" to "category 2 establishment" and "category 3 establishment" to reflect changes in state law.
- The other changes were to correct improperly cited statutes or sections, correct spelling errors, or clarify language.

**Chapter 113**

- This Chapter was okay. No updates needed.

**Chapter 114**

- This manufactured home park closing ordinance has been preempted and superseded by Minn. Stat. § 327C.095 subd. 15. I've attached an ordinance repealing Chapter 114 in its entirety.

**Chapter 115**

- I've attached my updates.
- I eliminated the definition of "professional fundraiser" and the licensing requirement for professional fundraisers working on behalf of otherwise exempt groups. The United States Supreme Court has held that individuals do not lose their First Amendment rights simply because they are being paid.
- I removed the provision that makes an applicant ineligible for a license if they have a bad business reputation.
- The other changes were to correct improperly cited sections or correct spelling errors.

Please let me know if you have any questions.

Thank you.

**James J. Mongé III**

Attorney

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