

ORDINANCE NO. 1509

AN ORDINANCE AMENDING CITY CODE TO UPDATE TO CITY CLERK POSITION, REMOVE TRANSPORTATION OF FIREWOOD REQUIREMENT, AND CHANGE DEPARTMENT TERMS FROM LEISURE SERVICES TO PARKS AND RECREATION

The City Council of the City of Willmar hereby ordains as follows:

Section 1. AMENDMENT OF MUNICIPAL CODE, CHAPTER 8, LICENSES, PERMITS AND BUSINESS REGULATIONS. Chapter 8 of the Willmar Municipal Code is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 8-2. - Permit for sales from public street or sidewalk.

- (c) *Application.* Any person desiring to engage in or make retail sales upon public streets or sidewalks within the city shall file an application for a permit for that purpose with the city clerk ~~treasurer~~, which application shall state the full name and residence of the applicant, the full name and residence of the person by whom employed or for whom acting, the kind of items or services which he proposes to sell, and the time during which such sales will be attempted. The application shall be on a form approved by the city council and shall identify all vehicles which will be used in the sales regulated by this section.
- (d) *Approval.* Upon the filing of the application, the city clerk ~~treasurer~~ shall present the application to the city council at its next regular meeting. The city council shall, in considering the application, impose such conditions as it determines are required to provide for the health, safety and protection of persons and property.

- (f) *Fee.* The fee charged for each permit shall be set from time to time by resolution of the council, which resolution shall remain on file with the city clerk ~~treasurer~~. The city council may waive the requirement for the payment of a fee.

Sec. 8-41. - License.

- (b) *Application; fee.* Any person desiring a license under this section shall apply to the city clerk ~~treasurer~~ therefor upon such application form as shall be required by the city

council, and shall pay to the city clerk-treasurer for such license, for each and every alley, whether designated as a bowling alley or as a box ball alley, and for each and every billiard or pool table, and for each and every other table whereon games are played, the sum which is on file in the office of the city clerk-treasurer.

(c) ~~Granting; denial.~~ Each application made under the provisions of this section shall be reviewed and approved or rejected by the city council. In considering each application, the granting of any license shall rest in the sound discretion of the city council. If the city council disapproves any application, it shall, by resolution, set forth the facts and circumstances considered in disapproving the application.

(d) ~~Issuance; term.~~ Upon approval by the city council of the application for the issuance of a license under this section, the city clerk-treasurer shall issue under his hand and the corporate seal of the city a license to the persons applying therefor, for the term of one (1) year from and after the day of issuance.

(e) ~~Transfer.~~ Upon cause shown and upon the payment of an amount as kept on file in the office of the city clerk-treasurer, such license may be transferred to another person for the balance of the license year. The transfer of a license shall be issued only after action of the city council, passed by a majority vote, authorizing the transfer for the reasons stated in the application for transfer.

Sec. 8-73. - License—Generally.

(b) *Application.* Applications for all licenses except theatre or opera house licenses shall be made to the city clerk-treasurer. Upon payment of the required fee, the clerk-treasurer is authorized to issue a license to the applicant under his/her hand and seal, stating in the license the kind of entertainment to be given, the length of time the entertainment is to run or the number of performances to be given, and the place where the entertainment is to be given.

(c) *Fee.* The fees to be paid for such licenses shall be in the amount kept on file in the office of the city clerk-treasurer.

Sec. 8-74. - Same—Theatres, opera houses.

(b) *Issuance.* The city council may grant such license, and thereupon, the city clerk-treasurer, upon payment of the required fee, is authorized to issue a license to the

applicant under his hand and seal, stating in the license the general character of the performance to be given and describing the place or building covered by the license.

(d) *Fee.* The fee to be paid for theatre and opera house licenses shall be in an amount as kept on file in the office of the city clerk ~~treasurer~~.

(e) *Additional license required for live performances.*

(2) Application for a license for the exhibition, showing or performance of live talent at any duly licensed theatre, motion picture house or opera house shall be made in writing to the city clerk ~~treasurer~~ by the owner, manager or lessee of the theatre. Such application shall set forth generally the character of the live talent performance to be given and contain a description of the place or building for which such license is desired.

(3) The fee to be paid for such license shall be in an amount as kept on file at the office of the city clerk ~~treasurer~~. On payment of the required fee, the city clerk ~~treasurer~~ shall issue the license to the applicant, subject to the provisions of this division.

Sec. 8-92. - License.

(b) *Application.* Applications for licenses shall be made to the city clerk ~~treasurer~~ in writing, giving full and complete details in regard to:

(8) The name of the group, body or organization, if any, which sponsors the attraction or exhibition or for whose benefit it is to be given. Such application shall be accompanied by the required license fee. ~~It shall be the duty of the city clerk-treasurer to present such application to the city council at its next regular or special meeting and the application shall then be considered by the city council and acted upon.~~

(c) *Fees.* The license fee to be paid for each class of attraction shall be in the amount kept on file in the office of the city clerk ~~treasurer~~.

Sec. 8-142. - License—Generally.

(b) *Application.* Application for a license shall be made to the city clerk ~~treasurer~~ on a form to be approved by him. Such application shall state the name and place of residence of the applicant and the location at which it is intended to conduct the business. The application shall be accompanied by the license fee provided for in this section. Every such application shall be filed with the city clerk ~~treasurer~~, ~~who shall thereupon present such application to the city council.~~

(c) *Fee.* The annual license fee shall be in an amount as kept on file in the office of the city clerk ~~treasurer~~.

(e) *Granting; denial.*

(3) If the application is granted by the council, the city clerk ~~treasurer~~ shall thereupon issue such license, providing the required fee has been paid therefor.

Sec. 8-143. - Same—Grounds for revocation.

Every license issued under this division shall be issued subject to the following conditions, the violation of any one (1) of which shall be sufficient grounds for revocation of the license and sufficient grounds for refusal to again license such person:

(1) No intoxicating liquor shall be possessed for sale on any licensed premises, nor shall intoxicating liquor be sold on the premises in violation of state law or in violation of any ordinance of the city. No ~~nonintoxicating~~ 3.2% malt liquor shall be sold on the premises in violation of any state law or in violation of any ordinance of the city. No person in an intoxicated condition shall be permitted on the premises. No intoxicating liquor shall be drunk, mixed, consumed or prepared for consumption on such premises, and no spiking of malt liquor, soft drinks, or any other liquid or beverage, by adding with or to the beverage any alcohol or other intoxicating liquor, shall be permitted, allowed or suffered on the premises. Restaurants licensed to sell intoxicating liquor shall be exempt from the provisions of this subsection, but restaurants so licensed shall comply with all other state laws and ordinances pertaining to the sale of intoxicating liquors.

Sec. 8-206. - Redemption period.

Any person pledging, pawning or depositing an item for security must have a minimum of ~~ninety (90)~~ sixty (60) days from the date of that transaction to redeem the item before it may be forfeited and sold. During the sixty ~~ninety~~-day holding period, items may not be removed from the licensed location. Licensees are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued, or to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with approval by the chief of police or chief's designee. Written authorization for release of property to persons other than the original pledger must be maintained along with the original transaction record in accordance with section 8-203.

Sec. 8-262. - Sales to minors.

No person shall sell or give away any cigarettes, cigarette papers or cigarette wrappers to any person below the age of ~~eighteen (18)~~ twenty-one (21) years.

Section 2. AMENDMENT OF MUNICIPAL CODE, CHAPTER 9 – NUISANCES. Chapter 9, Section 9-67, Transporting firewood, of the Willmar Municipal Code is hereby deleted in its entirety.

Section 3. AMENDMENT OF MUNICIPAL CODE, CHAPTER 11 PARKS AND RECREATION. Chapter 11 of the Willmar Municipal Code is hereby amended by as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 11-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the park and ~~leisure services~~ recreation board of the city.

Department means the Willmar Park and ~~Leisure Services~~ Recreation Department.

Director means the chief administrative officer of the department.

Park means any playfield, playground, swimming pool, ice skating rink, open area, building or parts thereof, or other facility, and the materials and equipment therein owned, leased or in use by the department.

Sec. 11-26. - Established.

Pursuant to section 4.03 of the charter of the city, as amended, there is established a park and ~~leisure services~~ recreation board.

Sec. 11-27. - Officers.

(a) *Selection.* As soon as is possible after its appointment, the park and ~~leisure services~~ recreation board shall meet to organize and to select a ~~president-Chair~~, and a ~~Vice-president-Chair and a secretary~~, and to adopt such rules and regulations as may be necessary to enable it to perform its duties and functions in an efficient and orderly manner. Officers shall be selected annually thereafter. All of the officers shall be chosen from among the members of the board.

(b) *Powers; duties.*

- (1) The ~~president-Chair~~ shall preside at all meetings of the board.
- (2) The ~~Vice-president-Chair~~ shall perform the duties of the president in the case of the president's absence or disability.
- (3) ~~The secretary~~ Department staff shall keep a complete record of the minutes of each meeting and of all proceedings of the board. ~~Copies of such records, concerning any matter, thing, act, deed or record of the board, shall be filed in the office of the city clerk treasurer.~~
- (4) The board may prescribe such additional powers and duties for its officers as may be consistent with the provisions of this chapter and the charter of the city.

(c) *Vacancies.* Vacancies in any of the offices shall be filled as in the original manner of selection of officers, and for the unexpired term of the vacating officer.

Sec. 11-28. - Removal of members.

The city council shall have the power to remove any member of the park and ~~leisure services~~ recreation board for cause, neglect, or inattention to duty.

Sec. 11-29. - Powers; duties.

Under the control and authority of the city council, the park and ~~leisure services~~ recreation board shall:

(1) Serve in an advisory capacity to the city council on matters concerning the operation and maintenance of all public parks, public ~~bathing houses~~ restrooms and beaches, and all other property within the city used, occupied or operated by the city for purposes of public recreation;

(2) Adopt rules for its meetings and the transaction of its business, and rules governing the use by the public of the park and ~~leisure services~~ recreation facilities of the city, subject to confirmation and approval of the city council;

(3) Have the power to appoint such public-spirited citizens of the city upon committees to work with the board and city council in other advisory capacities as may seem necessary and expedient to the efficient and orderly planning and execution of the park and ~~leisure services~~ recreation program of the city.

Sec. 11-46. - Required.

Permits for special events and uses in park and ~~leisure services~~ recreation areas shall be obtained by application to the City Clerk's office ~~director~~ in accordance with the procedure set out in this article. Permits shall be requested on all events with over two hundred (200) attendees, exclusive of those sponsored by the park and ~~leisure services~~ recreation department and the city.

Sec. 11-47. - Application.

A person seeking issuance of a permit under this article shall file a written application on a form supplied by the parks and ~~leisure services~~ recreation department stating:

Sec. 11-48. - Insurance.

For gatherings of more than two hundred (200) persons or for any gathering where a fee or donation is being requested, the applicant for a permit under this article shall be required to carry and maintain public liability insurance, with the city as a named insured, providing insurance coverage for bodily injury, death and property damage occurring in connection with applicant's use of the park or ~~leisure services~~ recreation facilities and land. Such insurance shall provide coverage in amounts at least equal to the city's maximum liability limits as provided by state law.

Sec. 11-68. - Reservation required for certain functions.

No person shall hold or attempt to hold any meeting, assembly, demonstration, celebration, parade, rally, religious worship, or any sponsored entertainment or social, recreational or athletic function without first obtaining a reservation from the ~~director~~ department.

Sec. 11-72. - Use of Robbins Island Park, swimming at public beaches prohibited during certain hours.

It is unlawful for any person to be within the area of Robbins Island Park or to be swimming from any public swimming beach within the city between the hours of 10 p.m. and 6 a.m., unless authorized by the ~~director~~ department.

Sec. 11-73. - Musical concerts; playing of amplified instruments; communications systems.

No person shall conduct any musical concert, play upon any amplified instrument, or set up or use any communication system in a park without first obtaining an official permit from the ~~director~~ department.

Sec. 11-74. - Erecting buildings, tents or other structures; running utility lines.

No person shall construct or erect any building, tent or structure of whatever kind in any park, whether permanent or temporary in character, or run or string any public service utility into, upon or across any park, without first having obtained an official permit from the ~~director~~ department.

Sec. 11-88. - Alcoholic beverages.

No person shall bring within, sell, give away, possess or drink ~~intoxicating or nonintoxicating~~ alcoholic beverages at any time in any park except as provided in this section.

Section 4. EFFECTIVE DATE. This ordinance shall be effective from and after its adoption and second publication.

Passed by the City Council of the City of Willmar this 21st day of August, 2023.

ATTEST:

/s/ Judy R. Thompson
Judy Thompson, City Clerk

/s/ Douglas E. Reese
Douglas E. Reese, Mayor

VOTE: X SCHULDES X O'BRIEN X DAVIS X ASMUS
 X FAGERLIE X ASK X BUTTERFIELD X NELSEN

This Ordinance introduced by Council Member: Shuldes

This Ordinance introduced on: August 7, 2023

This Ordinance published on: August 12, 2023

This Ordinance given a hearing on: August 21, 2023

This Ordinance adopted on: August 21, 2023

This Ordinance published on: August 26, 2023

SUMMARY PUBLICATION OF CITY OF WILLMAR ORDINANCE NO. 1509

AN ORDINANCE AMENDING CITY CODE TO UPDATE TO CITY CLERK POSITION, REMOVE TRANSPORTATION OF FIREWOOD REQUIREMENT, AND CHANGE DEPARTMENT TERMS FROM LEISURE SERVICES TO PARKS AND RECREATION PURSUANT TO MINNESOTA STATUTES SECTION 331A.01, Subd. 10

Summary: Ordinance No. 1509 as adopted by the Willmar City Council on August 21, 2023, as authorized by Minn. Stat. § 331A.01, Subd. 10.

This Ordinance changes the city clerk treasurer position to city clerk; changes the license requirement to no 3.2% malt liquor instead of nonintoxicating malt liquor sold on the premises; changes the security redemption period from 90 to 60 days; changes the age of sale for cigarettes from 18 to 21; removes the transportation of firewood ordinance; and changes references from the park and leisure services department to park and recreation department.

The complete text of Ordinance No. 1509 may be obtained at no charge at City Hall (333 6th Street Southwest, Willmar, MN 56201), or from the City's website at www.willmarmn.gov.