Planning Commission
City Hall
Council Chambers

1. Call To Order/Roll Call

   1.A. 1. Agenda

       Documents:

           1. PC 8-3-2020 AGENDA.PDF

2. Approve Minutes

   2.A. 1. 6-15-2020 Meeting Minutes

       Documents:

           2. 06-15-2020 PC MEETING MINTUES.PDF

3. Public Hearings

   3.A. 3. ZTA 18-2020 Pawn Shops

       Documents:

           3A. ZTA 18-2020 ZONING AMENDMENT RE. PAWN SHOP BUSINESS SEPERATION REQUIREMENTS.PDF

4. Routine Business

5. Work Session

6. Adjourn
Minn. Stat. § 13D.021 – Meeting by Telephone or Other Electronic Means; Conditions - Minn. Stat. § 13D.021 provides that a meeting of a public body may be conducted via telephone or other electronic means if meeting in a public location is not practical or prudent because of a health pandemic or declared emergency.

Anyone interested in the public hearings may participate in the hearings by calling the following telephone number or joining the following videoconference at the scheduled date and time of the public hearings:

1. Telephone number to call at the time of the public hearing:
   1-312-626-6799, meeting ID: 822 6656 2364

2. Videoconference to join at the time of the public hearing: https://us02web.zoom.us/j/82266562364

**Monday, August 3, 2020 7:00 PM**

1. **CALL TO ORDER / ROLL CALL**

2. **APPROVAL OF MINUTES**
   A. Minutes of June 15, 2020

3. **PUBLIC HEARINGS**
   A. ZTA 18-2020, Application by Pawn Minnesota for a zoning text amendment to establish minimum separation requirements for pawn shops in the City of Faribault.

4. **ROUTINE BUSINESS**
   A. None

5. **ADJOURN**

Please contact the City Planning Division (507.334.0100) if you need special accommodations related to a disability to participate this meeting. The Public Hearings are broadcast live on FCTV.
Minn. Stat. § 13D.021 – Meeting by Telephone or Other Electronic Means; Conditions

- Minn. Stat. § 13D.021 provides that a meeting of a public body may be conducted via telephone or other electronic means if meeting in a public location is not practical or prudent because of a health pandemic or declared emergency.

**Monday, June 15, 2020**

1. Chair Albers called the meeting to order at 7:00 p.m. and a Roll Call was taken. In attendance were Commissioners: Ackman, Ali, Faugstad, Temple, White and Chair Albers. Others present were Peter Waldock, Planning Coordinator, Dave Wanberg, City Planner and Kari Casper, Recording Secretary.

2. APPROVAL OF MINUTES OF June 1, 2020.

A motion was made by Ackman and seconded by Ali to approve the meeting minutes of 06/01/2020 which the request to remove the “Others present”.

**ROLL CALL VOTE:**

Aye: Ackman, Faugstad, Temple, White, and Chair Albers

Nay: None.

3. PUBLIC HEARINGS

   A. VAR 17-2020. Faribault Woolen Mill Company, application for a variance from sign ordinances in order to recreate a historic style business sign painted on the north building wall of the factory at 1500 2nd Avenue NW.

Waldock made his presentation with showing rendering of the proposed sign which will match the one on the monument. He showed a rendering of the old signage that was painted directly on the building back in the 70’s. He presented several conditions. Albers then opened the matter up for discussion. Temple offered that the the HPC approved this request with full

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support. Albers then opened the matter up to the public and Mr. Paul Mooty spoke briefly in response to the conditions. Albers then closed the public hearing.

A motion was made by Ackman and seconded by White to recommend approval of the requested variance from sign requirements to permit the Faribault Woolen Mill Company to recreate a historic style wall sign painted on the north wall of the factory located at 1500 2nd Avenue NW.

**ROLL CALL VOTE:**

Aye: Ackman, Ali, Faugstad, Temple, White, and Chair Albers

Nay: None.

B. CUP 16-2020. 3-Ten Event Center, application for a Conditional Use Permit to construct a roof patio for outdoor receptions and wedding services located at 310 Central Avenue

Waldock gave his presentation showing rendering of the proposed project and how it’s placed on the rooftop and how it will be accessed through the other buildings which are at 306 and 308. Albers opened the matter up for discussion and White asked to clarify the access across the buildings in relation to the Security Bank Building. Albers opened the matter up for public hearing and Ryan Ernster, 310 Central Avenue, Faribault, MN further clarified. Ackman asked about other multiple PID CUPs and Waldock stated that 10,000 drops was another example. Waldock stated that the CUP remains with the properties, not the owners. Temple offered that the HPC also approved this project. White stated that it would be nice to have a tour. Albers then closed discussion.

A motion was made by White and seconded by Faugstad to recommend approval of conditional use permit, subject to the findings and conditions listed in proposed resolution for an outdoor dining enclosure within 200’ of a residential use for 3-Ten Event Center at 310 Central Avenue

**ROLL CALL VOTE:**

Aye: Ackman, Ali, Faugstad, Temple, White, and Chair Albers

Nay: None.

**4. ROUTINE BUSINESS**

Please contact the City Planning Division (507.334.0100) if you need special accommodations related to a disability to participate this meeting.

The Public Hearings are broadcast live on FCTV.
Chair Albers stated there was no routine business.

5. ADJOURN

Chair Albers then requested a motion to adjourn. Commissioner Ackman then made the motion to adjourn at 7:45 p.m. which was then seconded by Commissioner Ali.

ROLL CALL VOTE:

Nay: None.

Respectfully Submitted,

______________________________
Kari Casper, Administrative Assistant I

MINUTES APPROVED:

________________________________________
Dave Albers, Chair
**Case Numbers and Requests:** ZTA 2020-18 Zoning Text Amendment to establish standards for a minimum distance between pawnshop businesses in the City.

**Applicant:** Frank Marzario, Pawn Minnesota

**Request:** Zoning Text Amendment to the Unified Development Code Section 7-30 regarding development standards to establish a minimum separation requirement for Pawn Shop businesses

**Location:** City Wide

**Deadline for Council Action:** November 9, 2020 Unless Extended by the City

**Staff Recommendation:** None

**From:** Peter J. Waldock, AICP, Planning Coordinator

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**BACKGROUND**

In 2018 the City Council approved an Ordinance to establish Pawn Shop / Pawn Broker License Requirements and Automated Pawn System (APS) Compliance. APS provides increased identification of criminal activities through the timely collection and sharing of pawn transaction information. Pawn Minnesota was the only pawn shop in the city to voluntarily join the program even before adoption of the new ordinance.

As part of the City Council discussions at the time, the owner of Pawn MN asked that the City consider requiring a minimum distance between pawnshops. The City Council agreed, and directed staff to prepare an ordinance as part of the City Zoning Requirements to establish a minimum separation requirement for Pawn Shop businesses in the City.

After public hearings, the Planning Commission recommended against the ordinance. The Commissioners found that it would limit otherwise permitted businesses in the City to the benefit of an existing business and limit new pawn shops from locating in the City and noted that it was a policy matter for the City Council. The City Council passed the first reading of an ordinance that would have established a one-mile separation between pawn shops in the City. The ordinance failed to pass on second reading and it was not adopted.

Currently, the City’s Unified Development Ordinance (UDO) allows pawnshops in the C-2: Highway Commercial District; the C-3: Community Commercial District; and the CBD: Central Business District. At this time, there is one operating pawnshop in Faribault (Pawn MN - located at 230 Central Avenue).

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**SUMMARY OF THE REQUEST**
Frank Marzario owner of Pawn Minnesota has applied for a zoning text amendment to establish a 3000-foot separation between pawn shops in the City. He has stated that this will prevent a proliferation of such business in close proximity to each other. He states this is a highly regulated business, but further limits are needed to discourage criminals from trying to “fence” stolen items. He states that due to the high vacancy downtown right now, the area is susceptible to attracting too many pawn shops in the downtown district. He states other cities such as Hopkins, Columbia Heights and Roseville currently have limits on the number pawn shops or the proximity between them.

**DISCUSSION OF THE PROPOSALS**

The applicant has provided a table of 53 Minnesota Cities. This list indicates that most have no limitation, 8-cities limit the number of pawn shop licenses in the city and 13-cities are so restrictive that pawn shops are essentially barred in those cities. Licensing requirements are not found in zoning regulations administered by Planning Staff, but are typically found in other sections of the code administered by the City Clerk (such as liquor licenses), usually with review by the Police Department. So, although limits on licensing may be an option, that was not the method selected by the City of Faribault in 2018. At that time the City Council preferred to address pawn shop limitations in the Zoning Ordinances. This application likewise follows that lead.

In 2018, the City reviewed examples of 3500-foot separation and one-mile separation distances. In this case the request is for a 3000-foot separation. It is noted that the 3,000-foot separation could allow 12 commercial locations for Pawn Shops. With a 1-mile radius there would be 7 potential sites. Staff is only aware of two other Cities in MN that require a minimum separation distance for Pawn Shops. Columbia Heights uses a 3,000 foot minimum separation that was chosen because it was a similar distances used for other codes in their City and Hopkins requires a 1,000 foot separation to reduce concentration of this type of business in one area. The State of Minnesota has no set standards for separation of pawnshops.

In determining a separation distance, the Planning Commission can consider the following factors:

- *In recent years there has only been two pawn shops operating in the City.*
- *There is only one licensed Pawn Shop in the City at this time.*
- *No other Pawnbrokers have expressed an interest in opening another shop in the City.*
- *A City of Faribault’s size is limited in the number of shops the population here can support.*

Staff has prepared maps of each of the commercial corridors to illustrate the size of each them in order assist in determining how a 3000-foot separation requirement would work in each corridor.

The Central Business District is roughly 2,400 feet from north to south. If Faribault adopted a minimum separation of 3,000 feet, the ordinance would effectively limit the number of
pawnshops in the Central Business District to one. A 1-mile radius would clearly limit the CBD to one pawnshop with any other pawn shops out near the Lyndale Avenue corridor or west of Lyndale.

[the balance of the page intentionally left blank]
The 4th Street Corridor is roughly 4,300 feet from east to west (see map below). Again, depending on the location of the pawnshops, a 3,500 foot separation would likely limit the number of pawnshops in this area to one. See the attached maps showing both the 3,500 foot and 1 mile radius for comparison.

The Highway 60 Corridor is roughly two miles long from Lyndale Avenue to the western city limits (see map below).
The Lyndale Avenue/Highway 21 Corridor is roughly 2-1/2 miles long (see map below).

Generally the City has not had a policy of limiting businesses opportunity with separation requirements. The only examples currently found in the zoning regulations relate to Residential Care Facilities. Liquor licensing regulations have some separation requirements for sale of liquor in close proximity to schools or churches, but those rules are not found in the zoning code. The City has preferred instead to have a open and competitive business environment.
Although the regulation of pawn shops falls into a City Policy matter, in evaluating this application, the Planning Commission should determine if there is a land use concern with the possibility of have several pawn shops in close proximity to each other as could happen now without this ordinance amendment. Further the Planning Commission should determine whether this application has a broad community benefit or more benefit to an individual business by limiting the competition.

The police department has noted that there may be benefit to a limit on the number of pawn shops operating in the City in that criminals sometimes try to pawn stolen items. A limit on the number of pawn shops would reduce the opportunity for such activity. The Development Review Committee, felt this was ultimate a matter of City Policy for the City Council to determine.

APPLICABLE CODE SECTIONS
Unified Development Ordinance, Chapter 2, Article 5, Zoning Amendments Process and Approval
Unified Development Ordinance, Chapter 7, Section 7-30 Development Standards
Unified Development Ordinance, Chapter 11, Article 1, Table 11.1 Principal Uses in Commercial Districts

REQUIRED FINDINGS
Section 2-180 of the UDO includes five required findings as a prerequisite for approval of zoning amendments. The draft ordinance prepared by staff and provided with this report includes detailed findings specific to this application recommended by staff to address all of the required findings of this section of the UDO. No additional findings have been determined.

RECOMMENDATION
Staff recommends that the Planning Commission hold the requisite public hearing and consider the proposed ordinance with findings in support of a zoning text amendment adopting a development standard establishing a 3000-foot separation requirement between Pawn Shop businesses in the City.

Attachments:
- Draft Ordinance
- Separation Radius Map
- Application and Cover Letter
WHEREAS, Frank Marzario, Owner of Pawn Minnesota has applied to amend the City's Unified Development Ordinance to establish development standards for Pawn Shop businesses that requires a minimum separation between such business uses in the City; and

WHEREAS, the Planning Commission, on the 3rd day of August, 2020 following proper notice, held a public hearing regarding said zoning text amendment proposal; and

WHEREAS, following said public hearing, the Planning Commission made appropriate findings and recommended approval of the proposed ordinance amendments; and

WHEREAS, the City Council hereby finds the proposed ordinance amendments are appropriate with the following findings as required by Section 2-180 of the City's Unified Development Ordinance:

1. Criteria: Whether the amendment is consistent with the applicable policies of the City’s Land Use Plan.

   Finding: *The proposed ordinance amendment is consistent with the policies of the City’s Land Use Plan to reduce the opportunity for criminal activity.*

2. Criteria: Whether the amendment is in the public interest and is not solely for the benefit of a single property owner.

   Finding: *The amendment will benefit the community as a whole. It will be effective Citywide.*

3. Criteria: Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of a particular property.
Finding: This finding is not applicable as this proposal will amend zoning regulations for certain business uses and will not alter the zoning classification of specific properties.

4. Criteria: Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: The zoning classification of specific property would not be changed, nor would the allowed uses be expanded in any zoning districts. The proposed Ordinance amendment establishes a minimum separation between Pawn Shop businesses in the City.

5. Criteria: Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: This zoning text amendment will not be applicable to one particular property within the City. It will be applicable Citywide.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Amendment of Section 7-30 of the Unified Development Ordinance related to Development Standards and Table 11-1 related to Principal Uses in Commercial Districts.

The aforesaid sections of the Unified Development Ordinance are hereby amended to replace the original text with the text as follows:

Sec. 7-30 Development Standards

Pawn Shops / Pawnbrokers

1. Pawn Shops / Pawnbrokers shall be licensed to operate in the City in accordance with requirements of Chapter 14, of the City of Faribault, Code of Ordinances.

2. A minimum separation distance of Three-Thousand (3000) feet shall be provided between Pawn Shop locations in and near the City limits.
Table 11-1. Principal uses in the commercial districts.

<table>
<thead>
<tr>
<th>Use</th>
<th>District</th>
<th>Development Standards</th>
</tr>
</thead>
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<tr>
<td>Retail sales and services</td>
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<td>C-2</td>
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<tr>
<td>Pawn shop</td>
<td>-</td>
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<td>X</td>
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</table>

Section 2: Summary Publication. City Staff shall, upon an affirmative vote of no fewer than five of seven City Council Members, have the following summary printed in the official City newspaper in lieu of the complete ordinance:

On November 27, 2018 the Faribault City Council adopted Ordinance 2018-14 that amends and revises the Unified Development Code, Zoning Regulations regarding specific development standards to establish minimum separation requirements for Pawn Shop businesses in the City. A printed copy of the ordinance is available for inspection during regular business hours at Faribault City Hall.

Section 3: Effective Date. This ordinance shall be effective immediately upon its passage and publication, in accordance with Chapter 3 of the Faribault City Charter.

Public Hearing: August 3, 2020
First Reading: ________ , 2020
Second Reading: ________, 2020
Publication: ________, 2020

Faribault City Council

__________________________________
Kevin F. Voracek, Mayor

ATTEST:

__________________________________
Timothy C. Murray, City Administrator
This map is updated periodically to reflect amendments and should be used for general reference purposes. The map is current as of the date of the map. Specific inquiries should be directed to the Planning Division at (507) 334-0100.
This map is neither a legally recorded map nor a survey. This map is a compilation data affecting the area shown; and is for reference purposes only. In using the map, you assume responsibility for the correctness all information extracted from this map.

July 2020

0 400 800 Feet

Zoning

- Medium Density Residential
- Highway Commercial
- Agriculture/Open Space
- Single Family Residential
- Low Density Residential
- High Density Residential
- Neighborhood Commercial
- Heavy Industrial
- Central Business District
- 3000' Buffer
- Parcel 18.31.1.26.335
APPLICATION FOR REQUESTED ACTION
Rezoning/Text Amendment

Planning Case #
Filing Fee
Hearing Date

TO BE FILLED OUT BY ALL APPLICANTS

TYPE OF REQUEST:  
REZONING  X  TEXT AMENDMENT

APPLICANT  Frank Haziario  E-MAIL  Frank@Pawwwnn.com
PHONE  (H) 612-695-4324  (W) 507-384-3447  (FAX)
ADDRESS  230 Central Ave N, Faribault MN 55021

REZONING

Legal Description  Size of Property
Current Zoning  Proposed Zoning
Existing Use of Property  Proposed Use of Property
Identify All Adjacent Land Uses
Reason for Request

REQUIRED SUBMITTALS:

N/A  Boundary survey of the property
N/A  Concept development plan

TEXT AMENDMENTS

A detailed written summary fully explaining the proposed amendment to the ordinance which should include the following:

- Specific section of City Code to be amended
- List of the specific changes being proposed
- Specific reasons for the requested amendment
- Any necessary graphics
- Statement of why the amendment should be granted
- Benefits to be derived by the proposed change in text
- Impacts of the proposed amendment on those affected by it
- Relationship of the proposed amendment to community plans

SIGNATURE OF APPLICANT  Frank Haziario
(Must submit proof of property control)

DATE  7-9-20
July 9, 2020
Faribault City Hall
Peter Waldock
208 NW First Ave
Faribault, MN 55021

Re: Text amendment for Distant Limitation for PawnBrokers

Good afternoon Peter,

The paragraph below is the current Pawnbroker Ordinance in the City of Faribault.

CITY OF FARIBAULT ORDINANCE 2020- 1
AMEND CHAPTER 14, ARTICLE X OF THE FARIBAULT CITY CODE OF ORDINANCES REGARDING PAWNBROKERS
"The Faribault city council finds that use of services provided by pawnbrokers provides an opportunity for the commission of crimes and their concealment because pawn businesses have the ability to receive and transfer property stolen by others easily and quickly. The Faribault city council also finds that consumer protection regulation is warranted in transactions involving pawnbrokers. The Faribault city council further finds that the pawn industry has outgrown the city’ s current ability to effectively or efficiently identify criminal activity related to pawn shops. The purpose of this Article is to prevent pawn businesses from being used as facilities for the commission of crimes and to assure that such businesses comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens of the city."

The Faribault downtown community with nearly 70% vacancy does Not need another business like that described in the above paragraph. The downtown community needs more restaurants, boutique shops, salons, saloons, etc. The downtown does not need another Pawn Shop. With such a derogatory definition read above, with currently lots of boarded up vacant buildings downtown, cracked storefront windows panes in downtown Faribault it would be a negative to the City (community members) to allow more pawn shops to open within 3000’ of an already licensed pawnbroker. The City would be creating a ghetto like community. Having an influx of Pawn Shops will alienate any salons, saloons, restaurants, boutique shops etc.
I have had a personal encounter with a negative pawnbroker in downtown Faribault aka Evil Pawn. This Evil Pawn Operator cost the Faribault Taxpayers in excess of $50,000.00. Formerly operating next to formerly operating Bernie's Restaurant. Owner of Bernie's and a council member Janna Viscomi said the Pawnbroker was a nuisance and a problem. To Protect basic consumer protection standards, protecting the public health, safety and general welfare of the citizens of Faribault I Frank CanrKid Marzario dba Pawn Minnesota self initiated the Automated Police Systems aka APS at inception in 2010. Now APS has changed to Leads-online, the same format as APS. APS was a daily tracking system that the PawnBrokers and the Minneapolis Police would sync to daily so the Law Enforcement agency could see All Loans and Purchases at a glance at their Computer station in any Police station or Sheriff's department in the State of Minnesota. While I implemented this APS since inception 4/2010 it cost Pawn Minnesota in excess of $50,000.00. While Pawn Minnesota was APS compliant, Evil PawnBroker was allowed to run his operation rogue. With No tracking of Buys, Loans or Purchases Evil Pawnbroker made lots of dirty money and cost the CITY of Faribault in excess of 50 Grand, 50Gs or $50,000.00. With a City history of Pawnbroking like Evil Pawn did, the City of Faribault should limit Pawn Shops. Like the City of Columbia Heights, Hopkins and other Minnesota Cities they Limit Pawnbrokers with the Text Amendment Distant Limitation. The Distant Limitation varies from 1 mile to 1500 feet. Ideally best for the City of Faribault would be 1 Mile Distant Limitation.

To create a better healthier and vibrant downtown economy I ask that you grant the Text amendment of at least 3000’ like Columbia Heights has. This would allow approximately 5 or 6 Pawnbrokers to open up around the City limits.

I have included a list of Pawn Shops in the State of Minnesota that has a limit on the number of Pawn Shops allowed in their City. If you wanted to limit Pawnbrokers like Blaine and Maplewood that would be best.

Thank you for your consideration.

Frank CanrKid Marzario
Pawn Minnesota
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</tr>
<tr>
<td>ST. FRANCIS</td>
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<tr>
<td>ST.PAUL</td>
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<tr>
<td>STILLWATER</td>
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<td>WAYZATA</td>
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<td>WEST ST.PAUL</td>
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</tr>
<tr>
<td>WOODBURY</td>
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</tbody>
</table>

*No ordinance addressing pawn shops