



**CITY COUNCIL WORK SESSION AGENDA  
MONDAY, NOVEMBER 04, 2024**

**ABLE PARK BUILDING, 8200 ABLE STREET NE at 5:30 PM**

- 1. CALL TO ORDER**
- 2. DISCUSSION ITEMS**
  - [A.](#) State Highway 47 PEL Presentation (*MnDOT*)
  - [B.](#) Review Draft Cannabis Registration Ordinance (*Buchholtz/Thames*)
- 3. REPORT**
  - A. City Council and Staff Reports
- 4. ADJOURN**

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 1301 81<sup>st</sup> Avenue NE, Spring Lake Park, MN 55432. Ph.763-784-6491 at least 48 hours in advance.



# Highway 47/University Avenue

Columbia Heights, Fridley, Spring Lake Park, Blaine

# Introduction and PEL Background

- Average 4 fatal crashes/year on Highway 47 and 65 from their intersection in Minneapolis to US 10.
- Generally - crash rate is higher in Hennepin County, but rate of serious injury/death is higher in Anoka County.
- **Planning and Environmental Linkages study** identified several concepts for both 47 and 65 but didn't pick a preferred alternative.



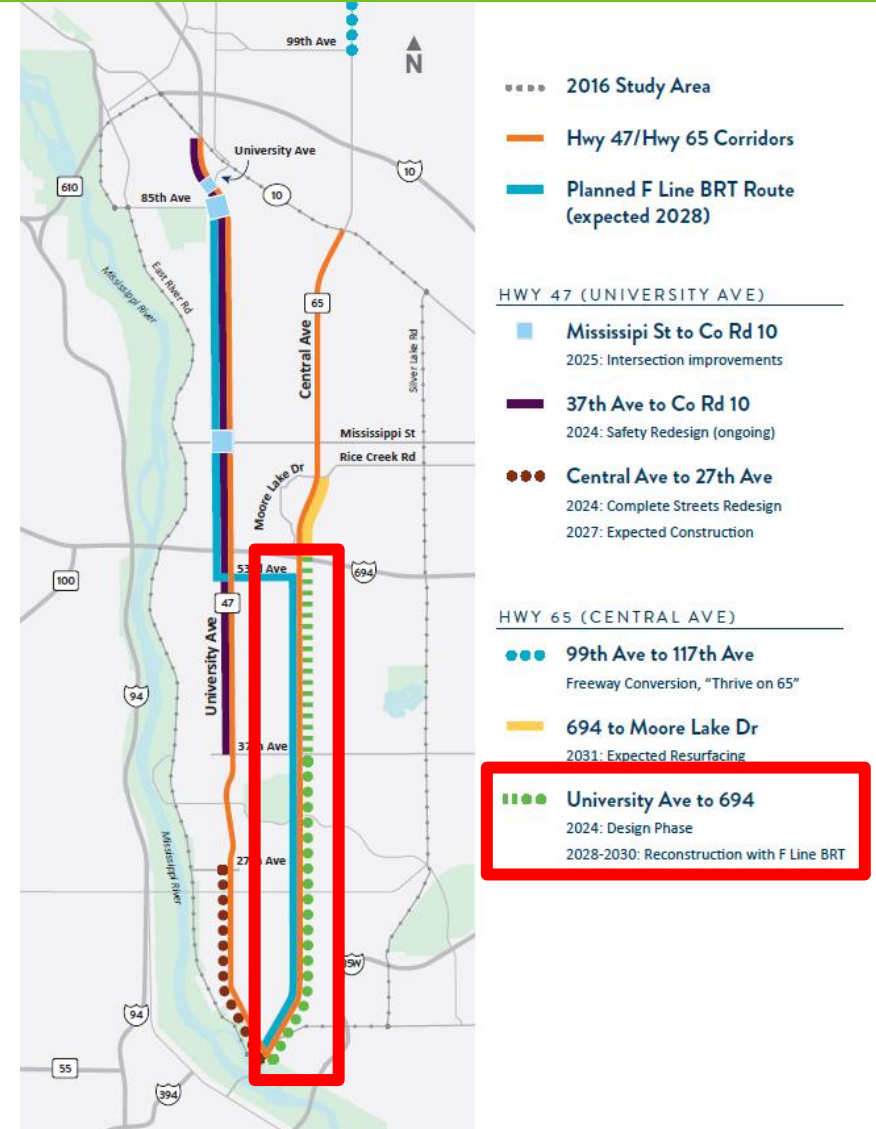
# 2028 Construction – Highway 65

- Central Ave Reconstruction

- Implement safety improvements from PEL study
- Improve pavement condition
- Design with F Line BRT improvements

- Funding

- \$25 million set aside for Anoka County portion in FY 2028
- MnDOT looking into funding options for Hennepin County portion



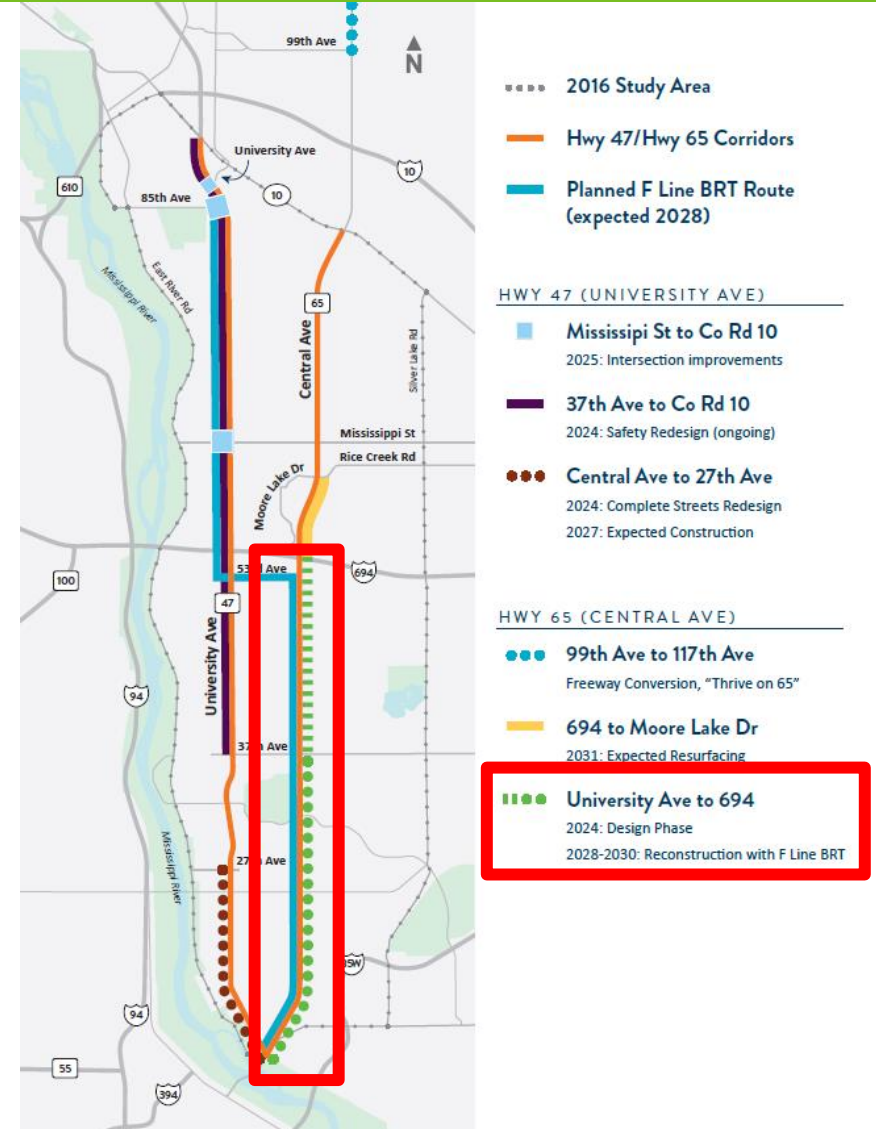
# 2028 Construction – Highway 65

- Safety Improvements

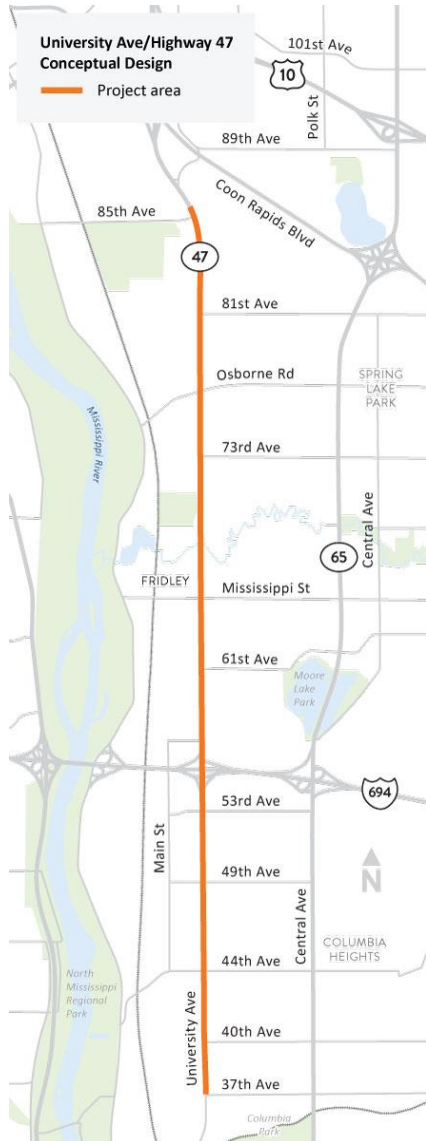
- Conversion from 4 lanes to 3 lanes (w/center turn lane) – up to 47% reduction in crashes
- Adding separated bike facilities – up to 56% reduction in bicycle crashes
- Adding median refuge islands – up to 56% reduction in pedestrian crashes

- Mobility Considerations

- May increase delay slightly for motorists during rush hour
- Evaluating adding general purpose lanes, turn lanes, and/or bus lanes back in where needed

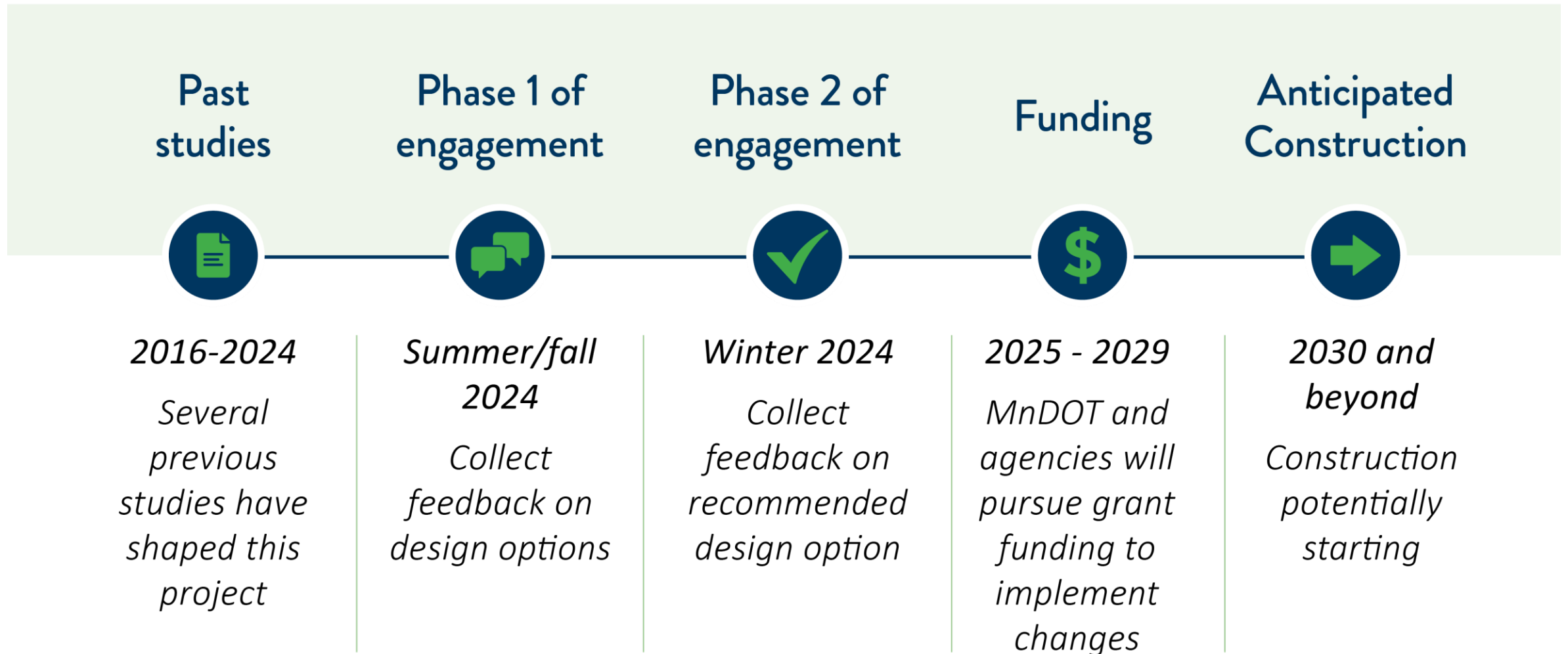


# Project overview



- Highway 47 conceptual design contract
  - Further evaluate the design of safety improvements from PEL study
  - Design the future of 47 in a way that is compatible with F Line construction, and other locally led projects.
- Funding
  - MnDOT has \$12M planned for resurfacing in 2030. Safety improvements from PEL study are significantly more expensive, additional funding required.
  - Improvements on Highway 47 may come over a series of projects instead of all at once in 2030

# Timeline



# What we have heard

It's too easy for pedestrians and bicyclists to get hit by cars.

Multi-lane roundabouts could keep traffic flowing while slowing car speeds.

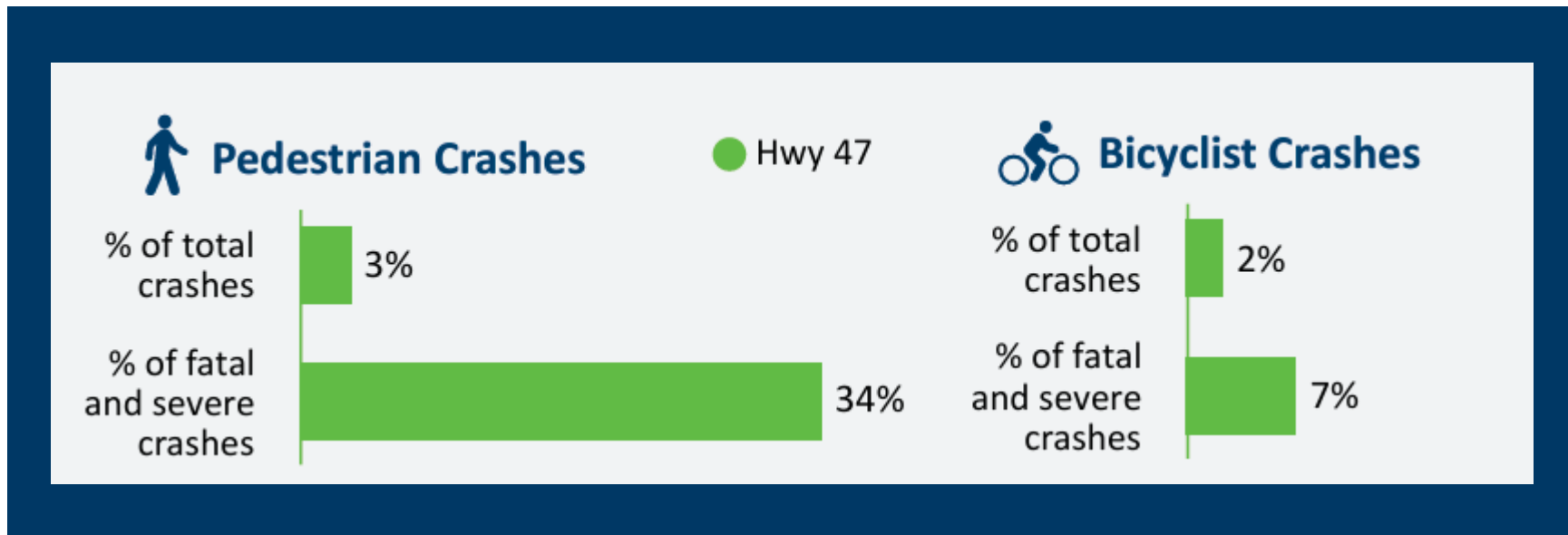
Cars are often speeding.

The signal wait times aren't right for pedestrians. People often cross against the light.





# What we have learned



**Walkability and bikeability:** Most Pedestrians do not feel safe while traveling. These vulnerable travelers are involved in 39% of all deadly and serious injury crashes.

**Driver safety:** Most drivers also do not feel safe, technical analysis identified 27 locations where the number of crashes is higher than the average.

# What we have learned



-  Fatal Pedestrian Crash
-  Fatal Crash
-  Serious Injury Crash
-  Serious Injury Bicycle Crash

**CRASH DATA** (2014 - 2023)

# Proposed changes



**37th Ave NE  
to 53rd Ave NE**

Traffic Signals (2 lane roadway)  
Single Lane Roundabouts (2 lane roadway)  
Multi-Lane Roundabouts (4 lane roadway)

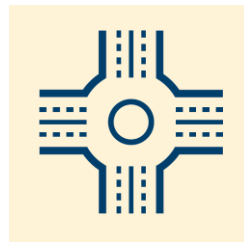
**53rd Ave NE  
to Osbourne Rd NE**

Traffic Signals (4 lane roadway)  
Multi-Lane Roundabouts (4 lane roadway)

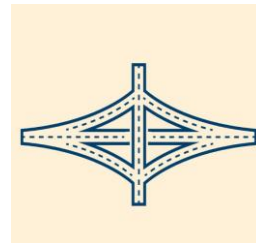
**North of Osbourne Rd NE  
to University Ave NE**

Multi-Lane Roundabouts (4 lane roadway)  
Fully Grade-Separated Interchanges

# Proposed changes



**Multi-lane RB**  
(4 lane roadway)



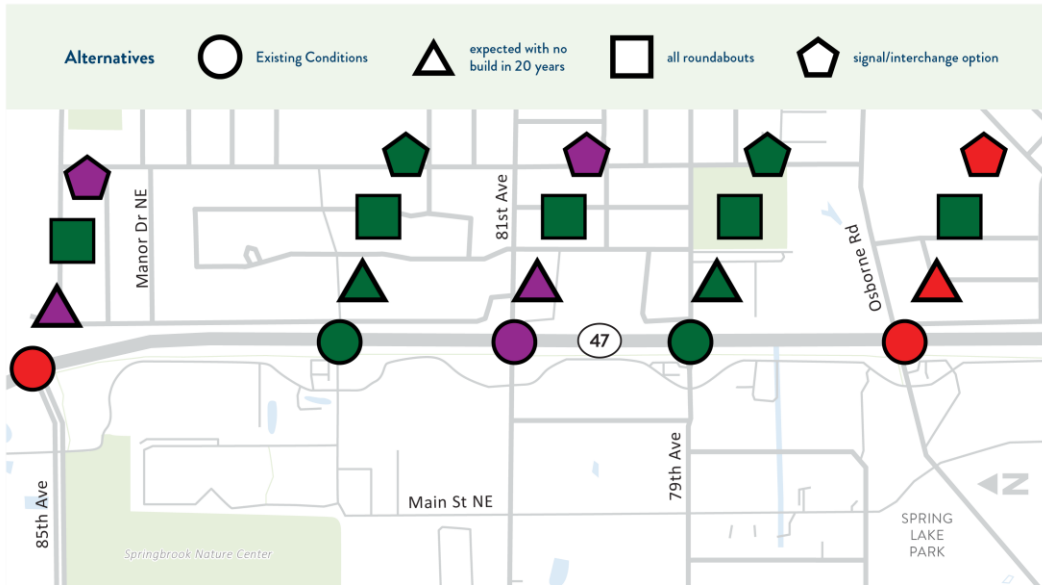
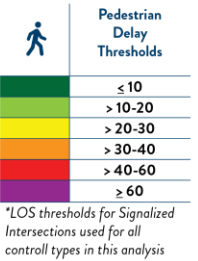
**Grade separated**  
(4 lane roadway)

**North of Osbourne Rd NE  
to University Ave NE**

# Traffic analysis results

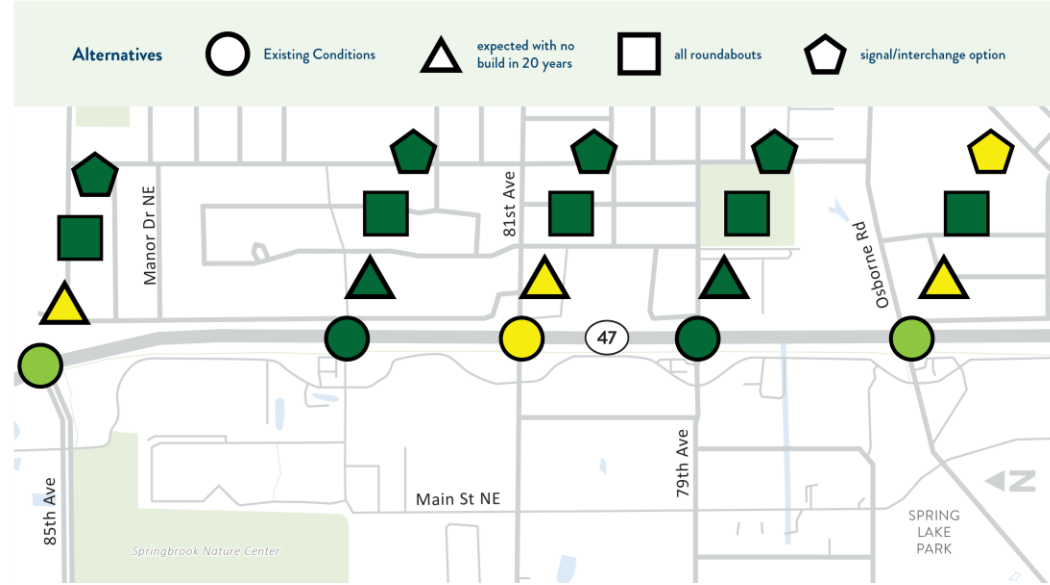
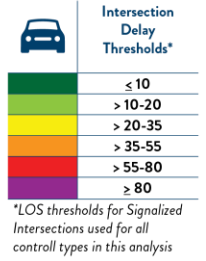
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Travel Time



AM

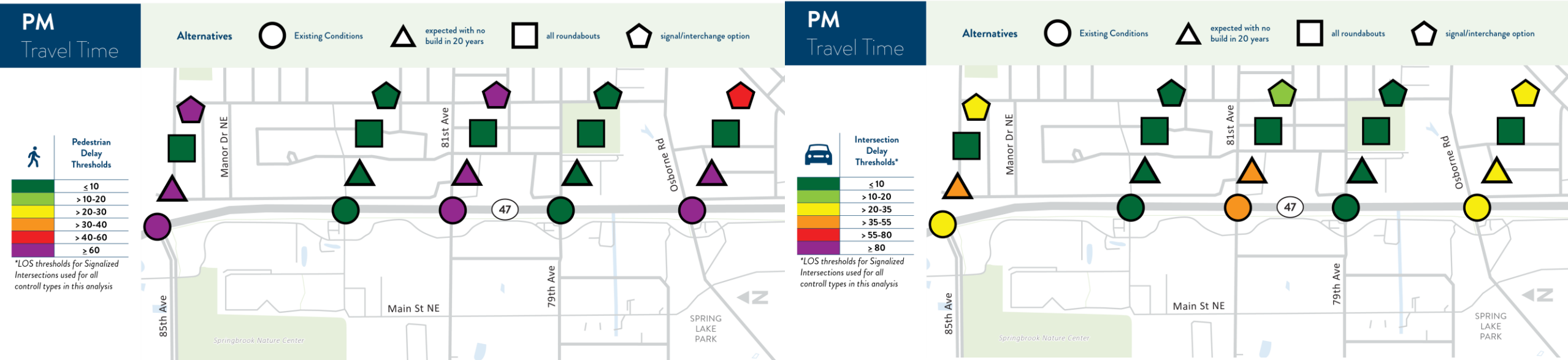
Travel Time



## Key takeaways

- Roundabout Option showed the least traffic and pedestrian delays during a.m. periods.
- Overall, Signal/Interchange Option results are comparable to existing conditions at most intersections.

# Traffic analysis results



## Key takeaways

- Roundabout Option showed the least traffic and pedestrian delays during p.m. periods.
- Signal/Interchange Option is expected to cause long queues at 53rd Ave during the p.m. hours.
- Overall, Signal/Interchange Option results are comparable to existing conditions at most intersections.

# Benefit Cost Analysis

## Legend

### Estimated Safety Benefit:

a cost saving projection for the total number of human lives saved and property damage prevented by the roadway improvements

### Estimated Operational Benefit:

Cost benefit from time saved by roadway users.

### Benefit/Cost Ratio:

A Benefit Cost Ratio greater than one has greater benefit relative to cost.

## No Build

**Projected Annual Total Crash Cost**  
**\$22.7M**

Estimated Safety Benefit:  
N/A

Estimated Operational Benefit:  
N/A

Benefit/Cost Ratio:  
N/A

## Roundabouts Option

**Projected Annual Total Crash Cost**  
**\$8.9M**

Estimated Safety Benefit:  
\$217.5M

Estimated Operational Benefit:  
\$539.5M

Benefit/Cost Ratio:  
15.0

## Signal/Interchange Option

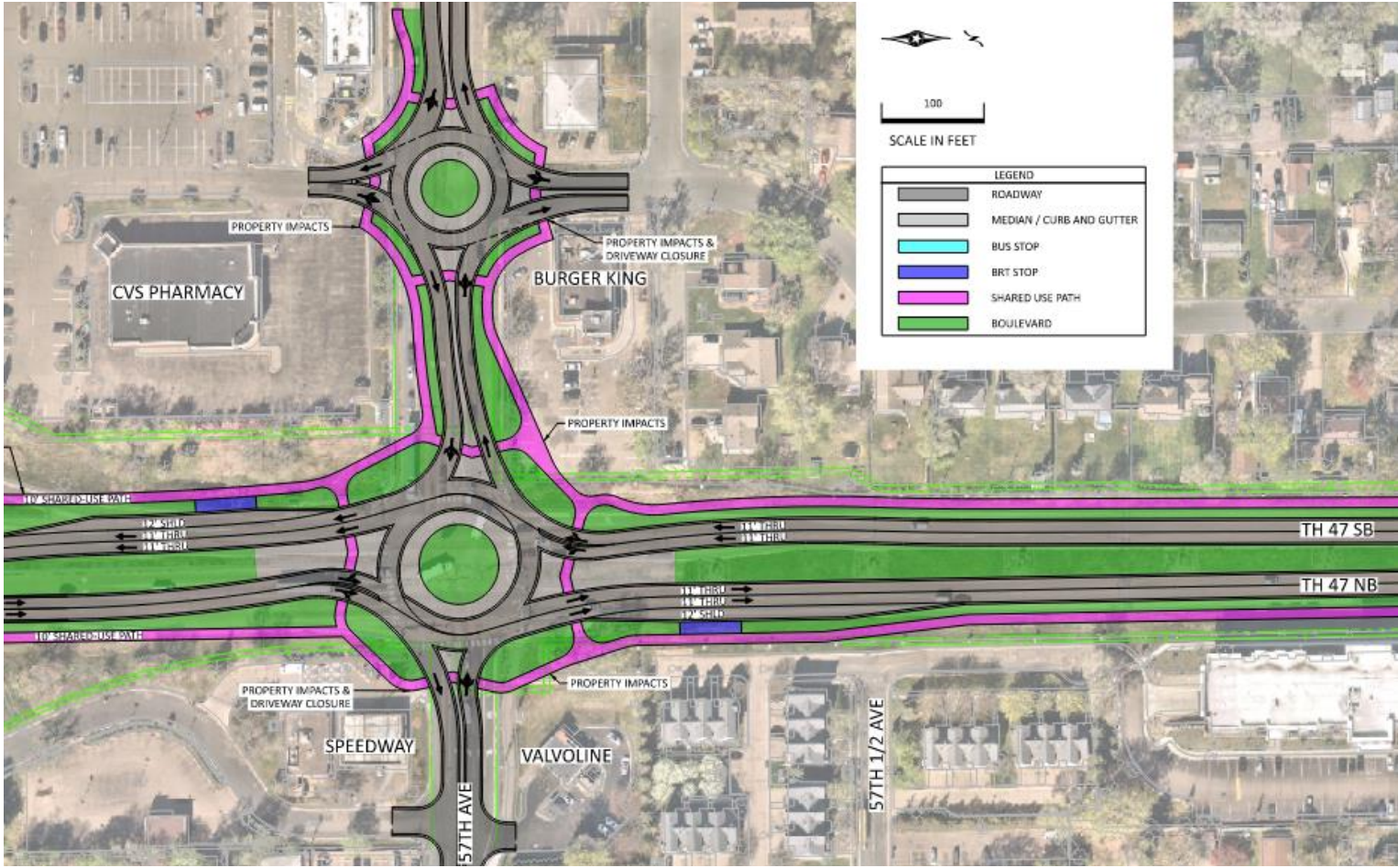
**Projected Annual Total Crash Cost**  
**\$15.5M**

Estimated Safety Benefit:  
\$114M

Estimated Operational Benefit:  
\$101M

Benefit/Cost Ratio:  
1.0

# Local Participation





# Pedestrian grade separation



## Potential Option:

- Could be effective, but if the crossing isn't direct, pedestrians may still attempt to cross at street level.

- MnDOT continuing to refine designs based on public feedback
- MnDOT planning another round of public engagement in December – to share details on roundabouts, pedestrian bridges, and traffic signals and to compare the differences
- By the end of 2024 – have a good sense for what makes sense at each intersection



**In 2025 – start to pursue grants and work with partners to fund construction as early as 2030**

# Questions



- Additional thoughts?
- Which option do you prefer? What considerations for your community should we keep in mind?
- Anything else you'd like us to know about your community or the corridor in general?



# Memorandum

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**To:** Mayor Nelson and Members of the City Council

**From:** Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

**Date:** October 26, 2024

**Subject:** Draft Cannabis Registration Ordinance

Based on City Council direction, staff has drafted a proposed ordinance for the registration of adult use cannabis business operating within the city of Spring Lake Park. This memorandum provides an overview of the proposed ordinance. The proposed ordinance aligns with Minnesota Statutes Chapter 342 and sets the foundation for local regulation and oversight of cannabis businesses operating with the city.

Minnesota Statutes Chapter 342 allows for the legal operation of adult-use cannabis businesses under a state-regulated framework. Local governments have the ability to implement additional rules in specific areas, particularly around zoning and registration requirements, provided those rules do not conflict with state law.

In response, we are proposing amendments to Chapters 11 and 16 of the City's Municipal Code to ensure cannabis businesses in Spring Lake Park meet both state and local requirements. These changes focus on protecting public safety, maintaining community standards, and ensuring compliance with the state's broader regulatory framework.

## **Key Components of the Proposed Ordinance:**

- 1. Local Cannabis Business Registration**
  - All state-licensed cannabis businesses, including retailers and lower-potency hemp edible retailers, must register with the City prior to operation. This will ensure they meet local zoning and operational standards.
  - A compliance check will be required before registration is approved, ensuring alignment with zoning and public safety regulations.
  
- 2. Zoning and Location Requirements**
  - The ordinance adheres to the state-mandated buffer zones, which prevent cannabis businesses from being located within 1,000 feet of schools and 500 feet of daycares, residential treatment facilities, and parks used by minors. This is a maximum buffer under state law.

- The ordinance permits the sale of adult use cannabis and lower-potency hemp edibles in the C-1 and C-2 zoning districts. Cannabis businesses with no retail are permitted in the I-1 zoning district. Hemp manufacture is a conditional use in the I-1 zoning district.
  - Staff discourages making these categories conditional uses. Instead, we encourage the City Council to address its concerns through the performance standards set forth in this ordinance.
3. **Fees and Registration Process**
- In compliance with state law, the registration fee is capped at \$500 for new applications, with a renewal fee of \$1,000. This is to cover administrative and enforcement costs.
4. **Operating Hours**
- Cannabis businesses may operate between 10:00 a.m. and 9:00 p.m under the proposed ordinance.
  - State Law allows cities to prohibit retail sales of cannabis between the hours of 8:00 am and 10:00 am Monday through Saturday and 9:00pm and 2:00am the following day.
5. **Temporary Cannabis Events**
- Temporary cannabis events will require a separate permit from the City. On-site consumption remains prohibited as per state law. The ordinance also addresses security and operational standards for these events.
  - The proposed ordinance does not allow on-site consumption at temporary events. This is something the City Council could allow under its discretion.
6. **Retailer Limits**
- The ordinance reflects the state's limitation of one cannabis retailer per 12,500 residents. This means Spring Lake Park will only allow one retail establishment at this time. This number could be zero if there is one cannabis retailer per 12,500 population in Anoka County.
  - The one cannabis retailer per 12,500 residents is a minimum standard. The Council is permitted to allow a higher number of cannabis retailers.
  - Nothing in the proposed ordinance limits the ability of the city to operate a municipal cannabis store.
7. **Penalties for Non-Compliance**
- The ordinance establishes penalties for businesses that operate without proper registration or fail compliance checks, including potential fines and suspension of registration.

The Planning Commission will hold a public hearing on the proposed zoning regulations at its meeting on November 25, 2024. Following the public hearing, the ordinance will be brought back to the City Council for final action at your December 2, 2024 meeting. Please keep in mind that

the current moratorium on cannabis businesses will expire on December 31, 2024, so timely review and approval of the ordinance is critical to ensure the City has regulations in place before the moratorium ends.

Staff is seeking City Council feedback on the proposed ordinance. City Attorney Thames will be at the work session to answer any questions you may have.

If you have any questions, please do not hesitate to contact me at 763-784-6491.

**SPRING LAKE PARK  
ORDINANCE XXX**

**AN ORDINANCE AMENDING SLPC CHAPTER 11, BUSINESS REGULATIONS,  
AND SLPC CHAPTER 16, ZONING, RELATING TO ADULT USE CANNABIS  
BUSINESSES**

**NOW THEREFORE**, be it ordained by the Council of the Spring Lake Park, in the State of Minnesota, as follows:

**SECTION 1:**        **ADOPTION** “11.48 CANNABIS BUSINESS REGULATIONS” of the Spring Lake Park Municipal Code is hereby *added* as follows:

**ADOPTION**

11.48 CANNABIS BUSINESS REGULATIONS(*Added*)

**SECTION 2:**        **ADOPTION** “11.48.010 Purpose” of the Spring Lake Park Municipal Code is hereby *added* as follows:

**ADOPTION**

11.48.010 Purpose(*Added*)

The purpose of this ordinance is to implement the provisions of Minn. Stat. Ch. 342, which authorizes the City Council to protect the public health, safety and welfare of Spring Lake Park residents by regulating cannabis businesses within the legal limits of the city.

**SECTION 3:**        **ADOPTION** “11.48.020 Definitions” of the Spring Lake Park Municipal Code is hereby *added* as follows:

**ADOPTION**

11.48.020 Definitions(*Added*)

Unless otherwise noted or specifically defined in this section, words and phrases contained in M.S. § 342.01, as it may be amended from time to time, and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.

**CANNABIS CULTIVATION.** A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

**CANNABIS RETAIL BUSINESSES.** A retail location and the retail location(s) of a mezzobusiness(es) with a retail operations endorsement, microbusiness(es) with a retail operations endorsement, and medical combination business(es) operating a retail location.

**CANNABIS RETAILER.** Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.

**CERTIFIED MEDICAL PROFESSIONAL.** An individual who holds a valid and active license to practice medicine or provide healthcare services within the State of Minnesota, as issued by the Minnesota Board of Medical Practice, or other relevant state licensing authorities. This includes, but is not limited to, licensed physicians, advanced practice registered nurses (APRNs), physician assistants (PAs) or other healthcare professionals recognized by the State of Minnesota as being authorized to conduct medical evaluations, provide medical advice and respond to medical emergencies.

**DAYCARE.** A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

**DRUG PARAPHERNALIA.** All equipment, products, and materials of any kind, except those used in conjunction with permitted uses of controlled substances pursuant to state law, which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products, or (3) enhancing the effect of a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products. **DRUG PARAPHERNALIA** does not include the possession, manufacture, delivery, or sale of: (1) hypodermic syringes or needles or any instrument or implement which can be adapted for subcutaneous injections; or (2) products that detect the presence of fentanyl or a fentanyl analog in a controlled substance.

**LOWER-POTENCY HEMP EDIBLE.** As defined under M.S. § 342.01, subd. 50, as it may be amended from time to time.

**LOWER-POTENCY HEMP EDIBLE RETAILER.** A business which sells Lower-Potency Hemp Edibles but which is not a Cannabis Retailer.



**OFFICE OF CANNABIS MANAGEMENT.** Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.

**PLACE OF PUBLIC ACCOMMODATION.** A business, accommodation, refreshment, entertainment, recreation or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

**PRELIMINARY LICENSE APPROVAL.** OCM pre-approval for a cannabis business license for applicants who qualify under M.S. § 342.17, as it may be amended from time to time.

**PUBLIC PLACE.** A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants, bars, any other food or liquor establishment, hospitals, nursing homes, auditoriums, arenas, gyms, meeting rooms, common areas of rental apartment buildings and other places of public accommodation.

**RESIDENTIAL TREATMENT FACILITY.** A facility as defined under M.S. § 245.462, subd. 23, as it may be amended from time to time.

**RETAIL REGISTRATION.** An approved registration issued by the city to a state-licensed cannabis retail business.

**SCHOOL.** A public school as defined under M.S. § 120A.05, as it may be amended from time to time, or a nonpublic school that must meet the reporting requirements under M.S. § 120A.24, as it may be amended from time to time.

**STATE LICENSE.** An approved license issued by the Office of Cannabis Management to a cannabis business.

**SECTION 4:            ADOPTION “11.48.030 Registration Of Cannabis Businesses”**  
of the Spring Lake Park Municipal Code is hereby *added* as follows:

**ADOPTION**

11.48.030 Registration Of Cannabis Businesses(*Added*)

**A. *Consent to Registering of Cannabis Businesses.*** No individual or entity may operate a state-licensed cannabis retail business within the corporate limits of the city without first registering with the city. With the exception of the limitations set forth in Paragraph G,1, all requirements of this Section shall apply to lower-potency hemp edible retailers the same as they do to cannabis retail businesses.

B. Compliance Checks Prior to Retail Registration.

1. The city may conduct a preliminary compliance check prior to issuance of a cannabis retail business registration to ensure compliance with local ordinances.
2. Pursuant to M.S. Ch. 342, within 30 days of receiving a copy of a state license application from OCM, the city shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

C. Registration and Application Procedure.

1. Fees.

- a. The city shall not charge an application fee.
- b. A registration fee, as established under the city's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.
  - (1) An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under M.S. § 342.11, as it may be amended from time to time, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.
  - (2) Any renewal retail registration fee imposed by the city shall be charged at the time of the second renewal and each subsequent renewal thereafter. A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under M.S. § 342.11, as it may be amended from time to time, whichever is less.
  - (3) A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

2. Application submittal.

- a. The city shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of M.S. § 342.22, as it may be amended from time.
  - (1) An applicant for a retail registration shall fill out an application form, as provided by the city. Said form shall include, but is not limited to:
    - (A) Full name of property owner and applicant;
    - (B) Address, email address, and telephone number of the applicant;
    - (C) The address and parcel ID for the property which the retail registration is sought;
    - (D) Certification that the applicant complies with the requirements of local ordinances established pursuant to M.S. 342.13, as it may be amended from time to

time.

(2) The applicant shall include with the form:

(A) The application fee as required in Paragraph C,1;

(B) A copy of the state license application form and materials submitted to OCM.

(C) A copy of a valid state license or written notice of OCM license preapproval.

(3) Once an application is considered complete, the city shall inform the applicant as such, process the application fees, and forward the application to the City Council for approval or denial.

(4) The application fee shall be non-refundable once processed.

3. Application approval.

a. A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Paragraph G.

b. A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.

c. A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

4. Annual compliance checks.

a. The city shall complete at least one unannounced compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under M.S. § 342.22, subd. 4(b) and M.S. § 342.24, as they may be amended from time to time, and these ordinances.

b. Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a person or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer.

5. Location change. A state-licensed cannabis retail business shall be required to submit a new application for registration under Paragraph C,2 if it seeks to relocate to a new location still within the legal boundaries of the city. That application for registration at the new location shall be subject to the provisions of Paragraph G.

D. Renewal of registration. The city shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license. A state-licensed cannabis retail business shall apply to renew registration on a form established by the city and pay the renewal fee for the registration as established in the city's fee schedule.

E. *Transfer of registration.* A cannabis retail registration issued under this ordinance shall not be transferred.

F. *Suspension of registration.*

1. *When suspension is warranted.* The city may suspend a cannabis retail business's registration if it violates the ordinance of the city or poses an immediate threat to the health or safety of the public. The city shall immediately notify the cannabis retail business in writing the grounds for the suspension.
2. *Notification to OCM.* The city shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide the city and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.
3. *Length of suspension.* The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The city may require receipt of a determination from OCM before reinstating a registration. The business may not make sales to customers if their registration is suspended. The city may reinstate a registration if it determines that the violations have been resolved. The city shall reinstate a registration if OCM determines that the violation(s) have been resolved.

G. *Limitation on Number of Registrations.*

1. *The city shall limit the number of cannabis retail businesses to the lowest number of registrations permitted by M.S. § 342.13, as it may be amended from time to time, and these ordinances. The city shall allow no greater than one registration within the city limits which is not an operation owned and operated by the city. In the event an application for registration seeks to locate within the corporate boundaries of the city and the County in which the proposed operations site is located has reached the threshold of one active registration for every 12,500 residents, the city shall not issue a registration. This limitation shall not apply to lower-potency hemp edible retailers, as defined in this Chapter.*
2. *The city shall limit the number of lower-potency hemp edible retailers to no more than four registrations within the corporate boundaries of the city. However, the limits set forth in this Paragraph G,2 shall not apply to a cannabis retail business which is also licensed to sell lower-potency hemp edibles.*

H. *Inspections.* City officials and law enforcement have the right to inspect the premises at any time to ensure compliance with all regulations.

**SECTION 5:**            **ADOPTION** “11.48.040 Restrictions On Issuance” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

11.48.040 Restrictions On Issuance(*Added*)

- A. No registration for a state-licensed cannabis business shall be granted within 1,000 feet of a school. The distance is to be measured from the closest side of the school to the closest side of the structure on the premises within which cannabis is to be sold.
- B. No registration for a state-licensed cannabis business shall be granted within 500 feet of a day care, a residential treatment facility and/or an attraction within a public park that is regularly used by minors, including a playground or athletic field. The distance is to be measured from the closest side of the day care, residential treatment facility or public park attraction regularly used by minors to the closest side of the structure on the premises within which cannabis is to be sold.
- C. Pursuant to M.S. § 462.367, subd. 14, as it may be amended from time to time, nothing in SLPC 11.48.040 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility and/or an attraction within a public park that is regularly used by minors moves within the minimum buffer zone.
- D. In the event an applicant seeks registration for a business to be located within a zoning district which requires a conditional use permit to permit the business, the city shall deny the application as not compliant with local zoning if the applicant has not obtained a valid conditional use permit for the use from the city.

**SECTION 6:**            **ADOPTION** “11.48.050 Hours Of Operation” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

11.48.050 Hours Of Operation(*Added*)

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles or hemp-derived consumer products between the hours of 10:00 a.m. and 9:00 p.m.

**SECTION 7:**            **ADOPTION** “11.48.060 Temporary Cannabis Events” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

11.48.060 Temporary Cannabis Events(*Added*)

- A. License required. A license or permit is required to be issued and approved by the city prior to holding a Temporary Cannabis Event.
- B. Registration and application procedure. A registration fee, as established in the city fee schedule, shall be charged to applicants for Temporary Cannabis Events.
- C. Application submittal and review. The city shall require an application for Temporary Cannabis Events.
  - 1. An applicant for a retail registration shall fill out an application form, as provided by the city. The form shall include, but is not limited to:
    - a. Full name of the property owner and applicant;
    - b. Address, email address and telephone number of applicant;
    - c. The address at which the event will be held; and
    - d. Other information required by the Administrator, Clerk/Treasurer or designee.
  - 2. The applicant shall include with the form the application fee as required under Paragraph B and a copy of the OCM cannabis event license application, submitted pursuant to M.S. § 342.39, subd. 2, as it may be amended from time to time.
  - 3. The application shall be submitted to the Administrator, Clerk/Treasurer, or designee, for review. If the Administrator, Clerk/Treasurer determines that a submitted application is incomplete, he/she shall return the application to the applicant with the notice of deficiencies.
  - 4. Once an application is considered complete, the Administrator, Clerk/Treasurer shall inform the applicant of such, process the application fees and forward the application to the city council for approval or denial. The application fee shall be non-refundable once processed.
  - 5. The application for a license for a Temporary Cannabis Event shall meet the following standards:
    - a. Comply with buffer standards as set forth in SLPC 16.24.010.
    - b. Security requirements.
      - (1) A minimum of two licensed peace officers or licensed security guards per 100 attendees must be present at all times.
      - (2) The event area must be equipped with 24/7 video surveillance covering all entrances, exits, and key areas.
      - (3) Secure fencing and controlled entry points must be established to ensure only authorized individuals enter the event area.
    - c. Operational standards.
      - (1) Noise levels must not exceed the limits set forth in the city's noise ordinance.
      - (2) Effective odor control measures must be in place to ensure no detectable odor extends beyond the event premises.
    - d. Health and safety standards.
      - (1) At least one certified medical professional must be present on-site at all times.
      - (2) Adequate sanitation facilities must be provided, including

restrooms and handwashing stations, as determined by the City's Building Official.

(3) A comprehensive waste management plan must be implemented to handle all event-related waste.

e. Inspections. City officials and law enforcement have the right to inspect the event at any time to ensure compliance with all regulations.

f. Event hours. A Temporary Cannabis Event shall only be held between the hours of 9:00am and 9:00pm.

6. On-site consumption prohibited. On-site consumption shall not be permitted at a temporary cannabis event within the city.

**SECTION 8:** **ADOPTION** “11.48.070 Civil Penalties” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

11.48.070 Civil Penalties(*Added*)

A. Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of \$2,000 for each violation.

B. Subject to M.S. § 342.22, subd. 5(e), the city may impose a civil penalty of \$500 for the first violation of this chapter, \$1,000 for the second violation of this chapter within a 36 month period, and \$2,000 for the third and subsequent violations within a 36 month period.

**SECTION 9:** **ADOPTION** “11.48.080 Public Use Of Cannabis And Lower-Potency Hemp Edibles Prohibited” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

11.48.080 Public Use Of Cannabis And Lower-Potency Hemp Edibles Prohibited(*Added*)

It is unlawful for any person to use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products as each is defined by state law, in a public place within the City of Spring Lake Park. For the purposes of this Section, “public place” shall not include:

- a. A private residence, including the curtilage or yard of the same;
- b. Private property not generally accessible by the public, unless the person is explicitly prohibited from consuming cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property;
- c. The premises of an establishment or event licensed to permit on-site consumption, provided the use complies with the on-site consumption permit, and this Chapter. On-site consumption shall not be permitted at cannabis events within the city.

Any violation of this Section shall be a petty misdemeanor.

**SECTION 10:**            **ADOPTION** “11.48.090 Possession Of Drug Paraphernalia Prohibited” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

11.48.090 Possession Of Drug Paraphernalia Prohibited(*Added*)

It is unlawful for any person, knowingly or intentionally, to use or possess drug paraphernalia.

Any violation of this Section shall be a petty misdemeanor.

**SECTION 11:**            **AMENDMENT** “16.36.010 Specific Development Standards” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

16.36.010 Specific Development Standards

The purpose of this section is to establish specific development standards to provide supplemental regulations to address the unique characteristics of specific uses.

A. *Auto and marine; sales, leasing and rental.*

1. The use shall be served by a major collector or higher classification of roadway.
2. An open-ai red used auto and marine sales or rental lot as a stand-alone business is prohibited.
3. Used automobiles may be sold or rented as a stand-alone business if the used vehicles and associated business are contained within a building.
4. Used automobiles may not be sold accessory to businesses other than new car dealerships. Outdoor vehicle display for used vehicles shall be limited to 30%



of the total outdoor display area for a new car dealership. The display area shall be defined as the total number of parking spaces devoted to the sale of new vehicles only, not including the required off-street parking spaces needed for the public and employees.

5. Outdoor vehicle display areas within the public right-of-way are prohibited.
6. All areas on which motor vehicles are stored or displayed must be paved with concrete or a bituminous surface. No display, sale or storage of automobiles or other vehicles are permitted on landscaped areas.
7. Outdoor vehicle display shall be in an orderly fashion, with access aisles provided as needed. Outdoor vehicle display shall not reduce the amount of off-street parking provided on-site, below the level required for the principal use. The outdoor storage of inoperable, junk vehicles and vehicles with expired tabs is prohibited.
8. Music or amplified sounds shall not be audible from adjacent residential properties.
9. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.
10. Fuel pumps for the purpose of retail sale and dispensing of fuel to the general public shall be prohibited. If the use included dispensing of fuel for automobiles maintained on-site, the use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to eliminate the escape of gas vapors.

*B. Auto and marine; service and repair.*

1. All vehicles waiting for repair or pick-up shall be stored within an enclosed building or in designated off-street parking spaces.
2. All work shall be performed within a completely enclosed building.
3. All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automobile parts or storage of inoperable or salvage vehicles shall be prohibited.
4. The sale of vehicles shall be prohibited, unless permitted by this title or allowed by conditional use.
5. The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor tight fittings to eliminate the escape of gas vapors.
6. Any automobile service station activities shall be subject to the applicable standards for automobile convenience facilities.

*C. Car wash.*

1. Water from the car wash shall not drain across any sidewalk or into any public right-of-way.
2. Vacuum facilities shall be located in an enclosed structure or located at least 50 feet from any residential property line to avoid noise impacts.

3. The premises, all adjacent streets, sidewalks and alleys and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

D. *Child daycare center.*

1. The building and any exterior fenced areas shall meet the setback requirements for a principal structure in the zoning district in which the use is located.
2. The play area shall be located away from the main entrance to the daycare facility and shall be contained with a fence at least five feet in height.
3. At least 50 square feet of outside play area shall be provided for each child under care. .
4. The use shall provide a designated area for the short-term parking of vehicles engaged in loading and unloading of children under care. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.
5. The facility shall meet all applicable building and fire codes and be licensed as required by the State of Minnesota.

E. *Drive-in restaurants.*

1. The site shall accommodate vehicle stacking in accordance with the provisions of this title.
2. Any speaker system shall not be audible from any residentially zoned property or any residential use.

F. *Home occupations.*

1. No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
2. Conduct of the home occupation does not generate more noise, vibration, glare, fumes, odors, or electrical interference than normally associated with residential occupancy in the neighborhood.
3. The home occupation is not of a scale requiring the use of a commercial vehicle for the delivery of materials to or from the premises.
4. The home occupation may increase vehicular traffic flow and parking by no more than one additional vehicle at a time and any need for parking generated by the conduct of a home occupation shall be met off the street, other than in a required front yard.
5. No outdoor display of goods or outside storage of equipment or materials shall be permitted.
6. Home occupations shall not include employment of persons not residing on the premises.
7. The area used for the home occupation may not exceed 25% of the total floor area of the dwelling.
8. Home occupations may have one wall sign per dwelling not exceeding one square foot in area.

G. *Pawnshop.*

1. The use shall be located at least 3,000 feet from all existing pawnshops,

currency exchanges, consignment/secondhand stores and precious metal dealerships.

2. The window and door area of any existing first floor facade along a public street or sidewalk shall not be reduced, nor shall changes be made to such windows or doors that block views into and out of the building at eye level.
3. The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.
4. All receipt, sorting and processing of goods shall occur within a completely enclosed building.
5. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

H. *Sexually-oriented businesses.*

1. Conditions outlined in SLPC 11.44.040, Conditional Use Permit Required; Conditions, in SLPC 11.44, Sexually Oriented Businesses, as may be amended from time to time, are adopted by reference.
2. The use shall be located at least 1,000 feet from any other adult entertainment use.
3. Activities classified as obscene as defined by M.S. § 617.241, or successor statute, are prohibited.
4. No more than one adult entertainment use shall be located on the property.
5. Sign messages shall be generic in nature and shall only identify the type of business which is being conducted. Signs shall not contain material classified as advertising.

I. *Boarding school.*

1. Dormitory must be supervised by adult staff members whenever students are present.
2. Dormitory must have sufficient personal space for students to sleep in and store their belongings, with suitable furniture of sufficient size for the number of students, as well as appropriate separation between gender and age groups.
3. In addition to sleeping rooms, dormitory must include provision of support spaces (e.g. living room, activity room, study rooms, storage, laundry, kitchen/dining area, bathrooms, etc.).
4. Dormitory must have bathroom and washing facilities that ensure maximum privacy of students, as well as personal hygiene. Bathrooms, showers and toilets must be designed in such a way that staff is able to open them from the outside in case of an emergency.
5. Dormitory must provide a space for health care, such as sick rooms/bays with an appropriate first aid kit.

J. *Liquor establishments; places of worship, schools.*

1. No on-sale or off-sale liquor establishment shall be located within 500 feet of a school or place of worship, consistent with SLPC 11.08.010 Paragraph Q, as amended from time to time.
2. No place of worship or school shall be located within 500 feet of an on-sale or off-sale liquor establishment licensed by the city. A place of worship or school

located within 500 feet of an on-sale or off-sale liquor establishment prior to the effective date of this section shall be considered a legal, non-conforming use.

K. *Bulk deicer storage facilities.*

1. *Applicability.* The following sections apply to all indoor and outdoor bulk deicer storage facilities (temporary and permanent) including salt piles, salt bag storage, sand piles and other storage of deicing materials.
2. *General Requirements.*
  - a. Indoor operations for the storage of deicing materials must be provided wherever possible in order to prevent such materials from being affected by rain, snow and melt water.
  - b. All salt, sand and other deicing materials stored outdoors must be covered at all times.
    - (1) When not using a permanent roof, a waterproof impermeable, flexible cover must be placed over all storage piles. The cover must prevent runoff and leachate from being generated by the outdoor storage piles. The cover must be secured to prevent removal by wind or other storm events. Piles must be formed in a conical shape and covered as necessary to prevent leaching.
    - (2) Any roof leaks, tears or damage should be temporarily repaired during winter to reduce the entrance of precipitation. Permanent repairs must be completed prior to the next winter season.
    - (3) Facility siting.
      - (A) The facility must be in close proximity to the area in which the deicing materials are to be used, if practical.
      - (B) Each facility must be located outside of floodplains and 100 feet from lakes, rivers, streams, ditches, storm drains, manholes, catch basins, wetlands and any other areas likely to absorb runoff. A facility must not be located in close proximity to surface water features, water supplies, wells or drywells.
      - (C) A facility must be located on impermeable surfaces.
      - (D) Salt vulnerable/intolerant natural areas should be avoided as storage facilities to the extent possible. Where they cannot be avoided, specific measures as identified by the City Engineer shall be instituted to protect vulnerable areas.
    - (4) *Transfer of materials.* Practices must be implemented in order to reduce exposure (e.g. sweeping, diversions, and/or containment) when transferring salt or other deicing materials.
    - (5) *Snow piles.* Snow piles must be located downslope from salt and deicer storage areas to prevent the snow melt from

flowing through storage areas and carrying material to the nearest drainage system or waterway.

L. *Sacred communities.*

1. *Definitions.* All definitions under M.S. § 327.30, subd. 1, as amended from time to time, are hereby adopted by reference.
2. *General Requirements.*
  - a. All Sacred Communities must have a Conditional Use Permit prior to commencement of use.
  - b. All Sacred Communities must comply with all requirements of M.S. § 327.30, as amended from time to time, and such requirements are hereby adopted by reference.
  - c. Appropriate insurance coverage for the religious institution and all proposed uses must be obtained and proof provided to the City prior to the commencement of the use.
  - d. Between one-third (1/3) and forty percent (40%) of the micro units must be occupied by volunteers.
  - e. All units must be connected to electric service.
  - f. All units must be less than four hundred (400) square feet and be built on a permanent chassis and anchored to pin foundations with engineered fasteners.
  - g. Prior to commencement of use, all Sacred Communities must provide the City with a written and sufficiently detailed plan, approved by the religious institution's governing board, that outlines the following:
    - (1) disposal of water and sewage from micro units if not plumbed;
    - (2) adequate parking, lighting, and access to units by emergency vehicles;
    - (3) protocols for security and address conduct within the settlement; and
    - (4) safety protocols for severe weather.
  - h. Units must be built in accordance with the American National Standards Institute (ANSI) Code 119.5, as amended from time to time, which includes standards for heating, electrical systems, and fire and life safety.
  - i. Compliance with all setback requirements consistent with manufactured homes per SLPC 16.64.050 and SLPC 15.08 and must be placed in the least conspicuous feasible location as determined by the Zoning Administrator, including not being placed in easements, sight triangles or in parking spaces otherwise required for the site.
  - j. Must be placed on the primary site of the religious institution's worship location or on property directly contiguous to the primary site.
  - k. A Sacred Community must provide an annual certification that residents of the micro units meet the eligibility requirements as designated volunteers, chronically homeless individuals, or individual

with extremely low income and at the occupancy levels required by state law and City Code.

- l. No Sacred Community occupant, unit or site may create a public nuisance of any type as outlined in City Code.
- m. All units must either be connected to City services and provide the following services in-unit; or have twenty four (24) hour access to shared facilities connected to City services: kitchens, laundry, toilet, and bathing facilities. Shared facilities must be within 100 feet door to door of all units. The required number of these facilities shall be regulated by M.R., part 1305.2902, as amended from time to time. No individual unit or shared facility may be connected to a septic system or holding tank.
- n. Placement of Sacred Communities must not cause the site to become noncompliant with any City Code.
- o. All access paths to units, entrances to units and common facilities must be well lit at all times.
- p. All units must be clad in a material which is compliant with the City's residential exterior material codes.
- q. One (1) parking space per volunteer unit shall be provided on site and may not make the remainder of the site non-compliant with parking requirements of this Code.
- r. Applicants and permit holders shall make all units and facilities within a Sacred Community available and accessible to the City at all reasonable times for inspection to ensure compliance with the terms of this Section. A permit may be denied, suspended or revoked by the City Council due to non-compliance with this Section. In the event of non-compliance, the City shall notify the permit holder of the violation and provide reasonable opportunity to cure. If the violation is not promptly addressed, the matter shall be presented to the City Council for potential action on the permit and the permit holder shall be notified. The permit holder shall have an opportunity to present any relevant evidence at a hearing before the City Council, prior to any action being taken on the permit by the City Council. The Building Official shall also have authority to temporarily and immediately suspend a permit to address an emergency situation. In such event, the action of the Building Official on the permit shall be promptly reviewed by the City Council.

M. Cannabis and Hemp Business Activities

- 1. Cannabis retail establishments can only operate between the hours of 10:00 a.m. and 9:00 p.m.
- 2. Establishments must implement comprehensive security measures, including but not limited to:
  - a. Security cameras covering all areas of the premises, both interior and exterior.
  - b.

Alarm system monitored 24 hours per day, 7 days per week by a licensed security company.

c. Secure storage areas for all cannabis products.

Adequate ventilation systems must be installed to ensure no odor is detectable from the exterior of the building or from adjacent properties.

4. Establishments must have a plan for the disposal of cannabis waste that complies with state regulations and prevents access by unauthorized individuals.

5. The operation of a cannabis business is prohibited within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.

6. All signage must comply with SLPC 16.24 and must not depict cannabis leaves, use slang terms for cannabis, or appeal to minors.

**SECTION 12: AMENDMENT “16.64.040 Appendix D: Schedule Of Permitted Uses By District” of the Spring Lake Park Municipal Code is hereby *amended* as follows:**

**AMENDMENT**

**16.64.040 Appendix D: Schedule Of Permitted Uses By District**

A. *Residential districts.* The following uses are allowed in the various residential districts either as permitted, accessory, conditional, or interim uses.

<i>Use</i>	<i>Details</i>	<i>District</i>		
		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
Boarding or rental of rooms	Note: family members, as defined in this title, may enter into rental agreements	C	C	C
Dwellings	Cluster developments	-	-	C
Dwellings	Medium density dwellings	-	P	P
Dwellings	Mobile homes	-	-	C
Dwellings	Multi-family dwellings over six units per building	-	-	C
Dwellings	Single-family detached dwellings	P	P	P

Dwellings	Two-family dwellings	C	P	P
Essential public service and utility structures or uses		P	P	P
Fallout shelter		A	A	A
Family daycare	Within the residence of the daycare provider	P	P	P
Home occupations	As regulated by SLPC 16.36.010	P	P	P
Living quarters of persons employed on the premises		-	-	A
Off-street parking lots or garages		-	-	A
Parks and recreation	Private owned or operated areas	C	C	C
Parks and recreation	Private recreation facilities for the enjoyment of residents and guests only	A	A	A
Parks and recreation	Public owned or operated areas	P	P	P
Places of worship	Under 30,000 square feet; includes sacred communities as regulated by SLPC 16.36.010	C	C	C
Private garage		C	C	C
Schools	Day schools or nurseries	C	C	C
Schools	Public or private	C	C	C
Small wireless facility in right-of-way, as regulated in SLPC 12.48		C	P	P
Swimming pool		A	A	A
Tool house, shed, and similar storage		A	A	A
Uses customarily incident to the permitted, conditional or interim uses allowed in the district		A	A	A



Other public or semi- public facilities	C	C	C
Key: A = accessory uses; P = permitted uses; C = conditional uses; I = interim uses			

B. *Commercial districts.*

<i>Use</i>	<i>District</i>		
	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>
Accessory uses customarily incident to the permitted, conditional or interim uses allowed in the district	A	A	A
Adult daycare facilities	C	C	C
Auto and marine; sales, leasing and rental (See SLPC 11.20.040 Paragraph F,4 re: licensing and SLPC 16.36.010 Paragraph A)	-	I	-
Auto and marine; service, parts, and repair, excluding wash	C	C	-
Boarding school	C	-	-
Brewer taprooms, brew pubs and cocktail rooms	P	P	-
<u>Cannabis; retail, compliant with SLPC 11.48.030-11.48.040</u>	<u>P</u>	<u>P</u>	<u>-</u>
Commercial recreation, indoor	C	C	-
Commercial recreation, outdoor	C	C	-
Construction and/or trades sales and service shops; with storage of equipment, supplies or materials inside a building	P	P	C
Child daycare facilities (see SLPC 16.36.010 Paragraph D)	C	C	C
Dry cleaning and laundry establishments with no more than four employees for cleaning or pressing	P	P	-
Dry cleaning and laundry collection stations, and self-service	P	P	-
Electric vehicle charging station	A	A	A
Equipment rental, no outside display	P	P	C
Equipment rental, outside display	-	C	-
Essential service structures, including, but not limited to, buildings such as telephone stations, booster or pressure stations, elevated tanks, lift stations, and electric power substations	A	A	A

Event centers, night clubs, taverns	C	C	-
Farmer's market	I	I	I
Financial institutions, with no drive-up window	P	P	C
Financial institutions, with drive-up window	C	C	C
Garden centers and nurseries	-	C	-
Greenhouses, seasonal	I	I	-
Health care services; including medical, dental, optometrist, chiropractic and counseling clinics, for the diagnosis, treatment and care of patients	P	P	P
Hospitals	-	C	-
<u>Lower potency hemp edible retailers, compliant with SLPC 11.48.030</u>	<u>P</u>	<u>P</u>	<u>-</u>
Mortuaries, funeral homes, monument sales	C	P	-
Motels, hotels, or apartment hotels	C	C	-
Motor fuel stations	C	C	-
Municipal and government buildings and structures, including police, fire, library, public works garages	C	C	C
Nursing homes, memory care or retirement homes	-	-	C
Non-alcoholic beverage bottling establishment not larger than 3,000 square feet accompanied by a retail shop or store not less than 50% of the size of the bottling establishment, where bottled product is sold	P	P	C
Off-sale liquor stores	P	P	-
Off-street parking and loading as regulated in SLPC 16.40.010	A	A	A
Offices (administrative, executive, professional, governmental, medical, research); without merchandising services	P	P	P
Offices; with merchandising services	C	P	C
Outdoor seating or dining	C	C	-
Pawnshops, secondhand goods stores (excluding motor vehicles) as regulated SLPC 16.36.010 Paragraph G (see. SLPC 11.16, Pawnshops or SLPC 11.20, Secondhand Goods Dealers, for licensing	C	C	-
Personal services; barber shops, beauty/hair salons,			

massage therapy, shoe repair, tailoring and alterations, alterations and the like	P	P	P
Pet related care; including dog daycare, boarding, veterinary clinics and grooming, with outdoor use	C	C	-
Pet related care including dog daycare, boarding, veterinary clinics and grooming, with no outdoor use	P	P	-
Places of worship; religious uses	C	C	-
Plumbing and heating showrooms and shops	-	P	-
Printing, publishing, and related distribution agencies	C	C	-
Private clubs and lodges	C	C	-
Public, parochial and private schools, trade and business schools, colleges and universities	C	C	-
Research and development; including laboratories (medical, software, communications, scientific, etc)	P	P	P
Restaurants, excluding a drive-up window	P	P	-
Restaurants, including a drive-up window	C	C	-
Restaurants; with or without on-sale liquor	P	P	-
Retail uses (excluding autos, boats, and the like) such as apparel, appliances, beverage, book, carpet, drugs, floral, furniture, grocer, hardware, jewelry, paint, tobacco, sporting goods	P	P	C
Sacred communities, as regulated by SLPC 16.36.010	C	C	-
Sexually oriented businesses as defined in SLPC 11.48 and regulated in SLPC 16.36.010 Paragraph H	C	-	-
Signs as regulated by SLPC 16	A	A	A
Small wireless facility in right-of-way, as regulated in SLPC 12.48	P	P	P
Studios; artistic, music, photo, decorating, dancing, health, and the like	C	C	-
Tattoo and body piercing	P	P	-
Theaters (indoor only)	P	P	-
Key: A= accessory uses; P = permitted uses; C = conditional uses; I = interim uses			

C. *Light industrial district.* Conditional uses in this paragraph shall be governed by the criteria enumerated in SLPC 16.56, relating to conditional uses. Interim uses in this paragraph shall be governed by criteria enumerated in SLPC 16.58, relating to interim

uses.

<i>Uses in I-1</i>	<i>Category</i>
Automobile sales; indoor (Refer to SLPC 11.20.040 Paragraph F,4 and SLPC 16.36.010 Paragraph A	I
Bottling establishments	C
Brewing taprooms and cocktail rooms	P
Building material sales and storage	P
Camera and photographic supplies manufacturing	P
<u>Cannabis; state licensed businesses with no retail</u>	<u>P</u>
Cartage and freight terminals	C
Cartography, technical drawing or drafting and book binding	P
Cleaning and maintenance services; carpet, laundry, furniture, upholstery, appliances, and the like	C
Commercial dog kennel; with or without dwelling for night watchperson	C
Construction trades	P
Data center	P
Dry cleaning and laundry establishments	P
Electrical service shops	P
Engraving, printing, and publishing	P
Governmental and public utility buildings and structures	P
<u>Hemp manufacture</u>	<u>C</u>
Jewelry manufacture	P
Light manufacturing	P
Machine shop	P
Off-street parking and loading as regulated by SLPC 16.40.010	A
Offices, office buildings	P
Packaging/processing food products	C
Parcel delivery services	P
Pharmaceutical/medical device manufacturing	P

Product distribution center	P
Research and development; including laboratories	P
Retail and service establishments essential to the operation of an I-1 district and providing goods and services primarily for the use of persons employed in the district	C
Signs as regulated by SLPC Ch.16	A
Small wireless facility in right-of-way, as regulated in SLPC 12.48	P
Storage, enclosed rental	C
Vehicle repair and maintenance, including vehicle wrapping, detailing and window treatment	C
Warehousing, wholesaling or distribution business	P
Woodworking shop	P
Any manufacturing, production, processing, cleaning, storage, servicing, repair, and testing of materials, goods, or products similar to the permitted uses (P) listed above which conform with the performance standards	C
All uses customarily incident to the permitted (P), conditional (C) or interim (I) uses above	A
Key: A= accessory uses; P = permitted uses; C = conditional uses; I = interim uses	

**SECTION 13:**            **REPEAL SLPC 11.50.** The City Council does hereby repeal SLPC 11.50 in its entirety.

**SECTION 14:**            **EFFECTIVE DATE.** This Ordinance shall be in full force and effect up approval and publication according to law.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

\_\_\_\_\_.

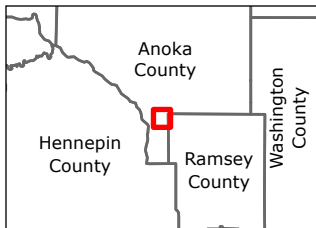
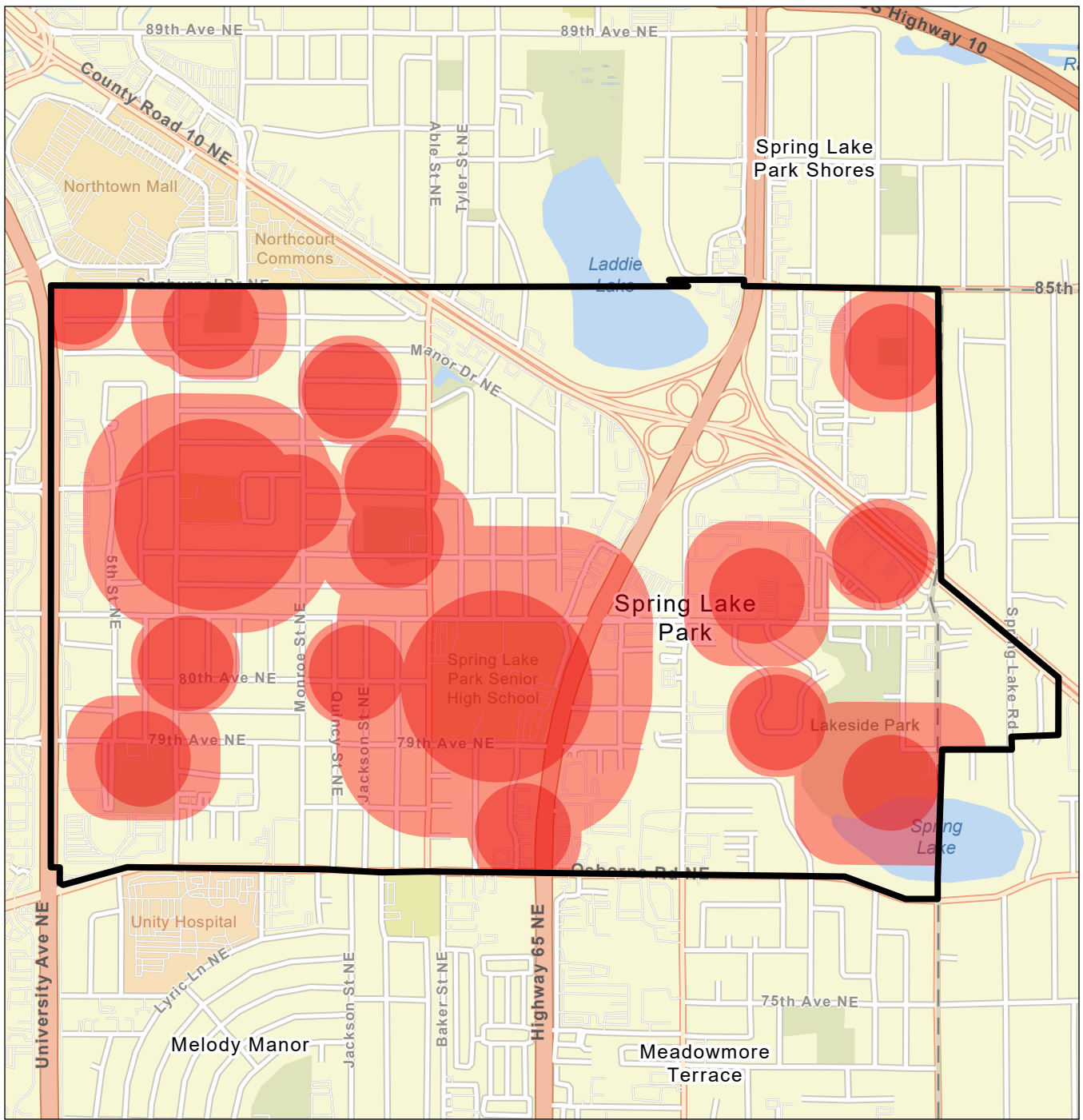
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Councilmember Wendling	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Councilmember Moran	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

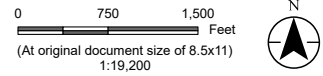
Attest

\_\_\_\_\_  
Robert Nelson, Mayor, Spring Lake  
Park

\_\_\_\_\_  
Daniel R. Buchholtz, Administrator,  
Clerk/Treasurer, Spring Lake Park



- Legend**
- 500'/1000' Buffer From Edge of Parcel
  - 500'/1000' Buffer From Center of Parcel
  - Spring Lake Park Municipal Boundary



*Project Location* Spring Lake Park, Anoka Co., MN *Prepared by* TAW on 2024-10-22

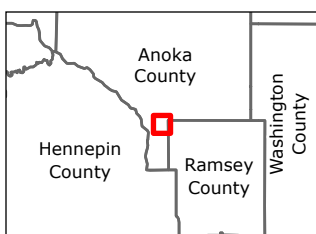
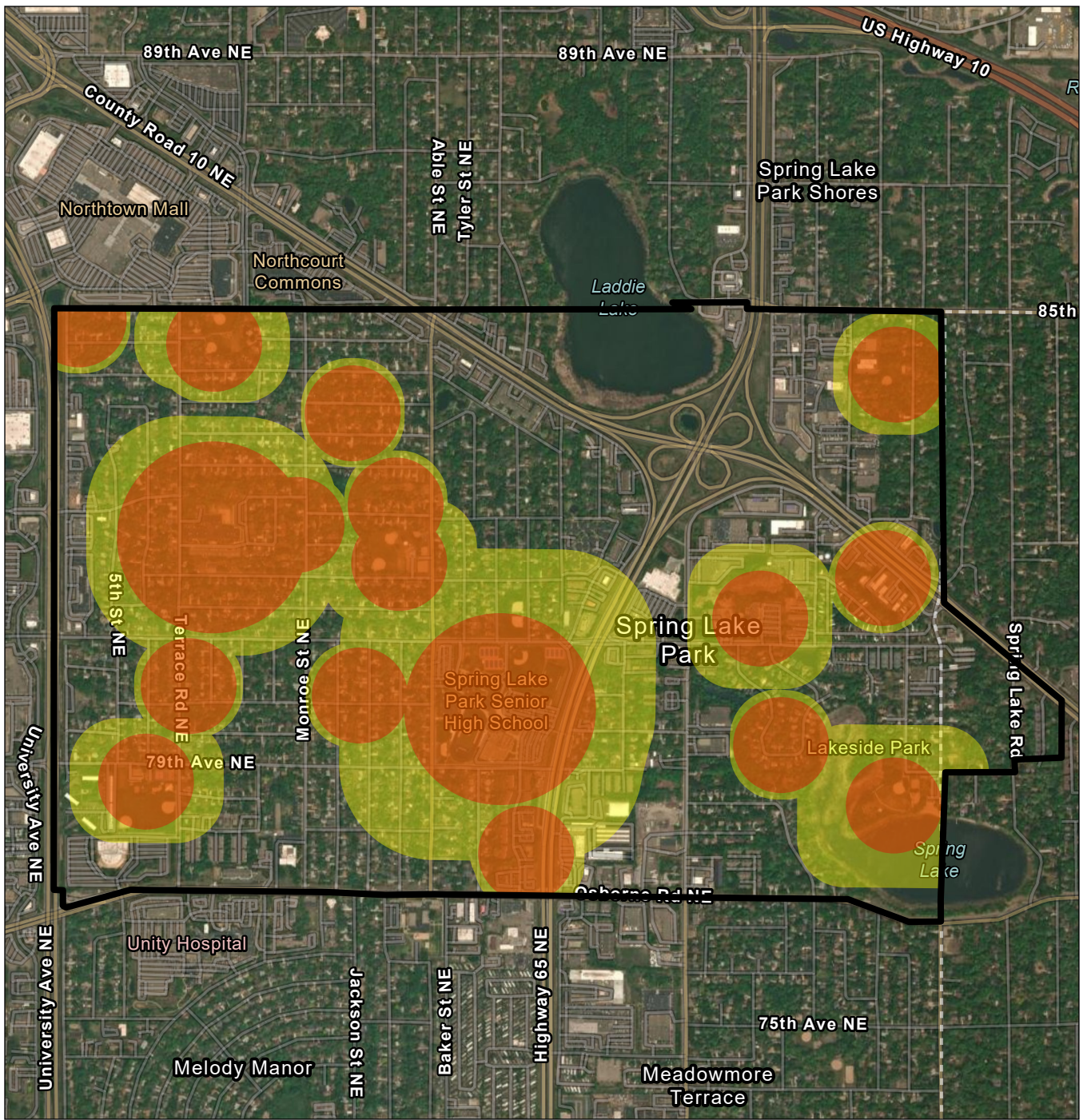
*Client/Project* City of Spring Lake Park 193801776  
Cannabis Regulation

*Figure No.* 1  
*Title* Cannabis Sale Prohibited Areas

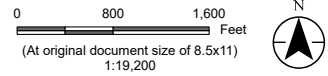
- Notes**
1. Coordinate System: NAD 1983 UTM Zone 15N
  2. Data Sources: Anoka Co., MNDOT, ESRI
  3. Background: ESRI

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Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.



- Legend**
- 500'/1000' Buffer From Edge of Parcel
  - 500'/1000' Buffer From Center of Parcel
  - Spring Lake Park Municipal Boundary



**Stantec**

*Project Location* Spring Lake Park, Anoka Co., MN *Prepared by TAW on 2024-10-22*

*Client/Project* City of Spring Lake Park Cannabis Regulation *193801776*

*Figure No.* **2**  
*Title* **Cannabis Sale Prohibited Areas**

- Notes**
1. Coordinate System: NAD 1983 UTM Zone 15N
  2. Data Sources: Anoka Co., MNDOT, ESRI
  3. Background: ESRI 2022

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**MINNESOTA**

OFFICE OF CANNABIS MANAGEMENT



# *A Guide for Local Governments on Adult-Use Cannabis*



**Version 1.4  
Updated August 2024**

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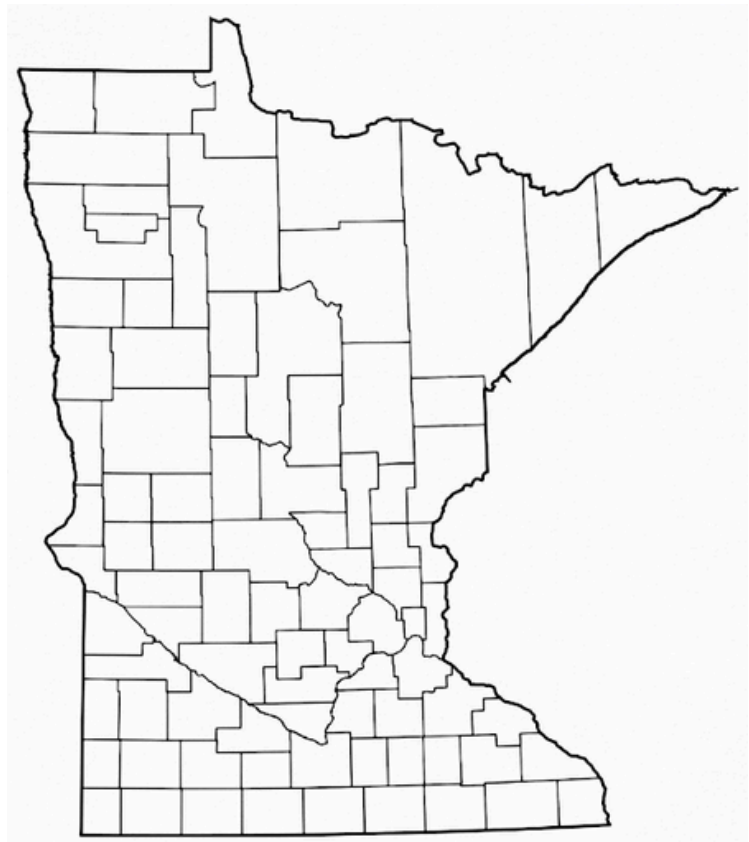
# Introduction

This guide serves as a general overview of **Minnesota’s new adult-use cannabis law**, and how **local governments** can expect to be involved. The guide also provides important information about Minnesota’s new Office of Cannabis Management (OCM), and the office’s structure, roles, and responsibilities. While medical cannabis continues to play an important role in the state’s cannabis environment, this guide is primarily focused on the adult-use cannabis law and marketplace.

The following pages outline the variety of cannabis business licenses that will be issued, provide a broad summary of important aspects of the adult-use cannabis law, and cover a wide range of expectations and authorities that relate to local governments. This guide also provides best practices and important requirements for developing a local cannabis ordinance.

**Chapter 342** of Minnesota law was established by the State Legislature in 2023 and was updated in 2024. Mentions of “adult-use cannabis law” or “the law” throughout this guide refer to Chapter 342 and the changes made to it.

As of this guide’s date of publication, state regulations governing the adult-use cannabis market have not yet been published—**this document will be updated** when such regulations become effective.



*This guide is not a substitute for legal advice, nor does it seek to provide legal advice. Local governments and municipal officials seeking legal advice should consult an attorney.*

# About OCM

Minnesota's **Office of Cannabis Management** is the state regulatory office created to oversee the implementation and regulation of the adult-use cannabis market, the medical cannabis market, and the consumer hemp industry. Housed within OCM are the **Division of Medical Cannabis** (effective July 1, 2024), which operates the medical cannabis program, and the **Division of Social Equity**, which promotes development, stability, and safety in communities that have experienced a disproportionate, negative impact from cannabis prohibition and usage.



OCM, through Chapter 342, is tasked with establishing rules and policy and exercising its regulatory authority over the Minnesota cannabis industry. In its duties, OCM is mandated to:

- Promote public health and welfare.
- Protect public safety.
- Eliminate the illicit market for cannabis flower and cannabis products.
- Meet the market demand for cannabis flower and cannabis products.
- Promote a craft industry for cannabis flower and cannabis products.
- Prioritize growth and recovery in communities that have experienced a disproportionate, negative impact from cannabis prohibition.

OCM governs the application and licensing process for cannabis and hemp businesses, specific requirements for each type of license and their respective business activities, and conducts enforcement and inspection activities across the Minnesota cannabis and hemp industries.

# License Types

Minnesota law allows for **13** different types of business licenses, each fulfilling a unique role in the cannabis and hemp supply chain. In addition to license types below, OCM will also issue endorsements to license holders to engage in specific activities, including producing, manufacturing, and sale of medical cannabis for patients.

## **Microbusiness**

Microbusinesses may cultivate cannabis and manufacture cannabis products and hemp products, and package such products for sale to customers or another licensed cannabis business. Microbusiness may also operate a single retail location.

## **Mezzobusiness**

Mezzobusinesses may cultivate cannabis and manufacture cannabis products and hemp products, and package such products for sale to customers or another licensed cannabis business. Mezzobusiness may also operate up to three retail locations.

## **Cultivator**

Cultivators may cultivate cannabis and package such cannabis for sale to another licensed cannabis business.

## **Manufacturer**

Manufacturers may manufacture cannabis products and hemp products, and package such products for sale to a licensed cannabis retailer.

## **Retailer**

Retailers may sell immature cannabis plants and seedlings, cannabis, cannabis products, hemp products, and other products authorized by law to customers and patients.

## **Wholesaler**

Wholesalers may purchase and/or sell immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from another licensed cannabis business.

Wholesalers may also import hemp-derived consumer products and lower-potency hemp edibles.

# License Types (continued)

## **Transporter**

Transporters may transport immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products to licensed cannabis businesses.

## **Testing Facility**

Testing facilities may obtain and test immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from licensed cannabis businesses.

## **Event Organizer**

Event organizers may organize a temporary cannabis event lasting no more than four days.

## **Delivery Service**

Delivery services may purchase cannabis, cannabis products, and hemp products from retailers or cannabis business with retail endorsements for transport and delivery to customers.

## **Medical Cannabis Combination Business**

Medical cannabis combination businesses may cultivate cannabis and manufacture cannabis and hemp products, and package such products for sale to customers, patients, or another licensed cannabis business. Medical cannabis combination businesses may operate up to one retail location in each congressional district.

## **Lower-Potency Hemp Edible Manufacturer**

Lower-potency hemp edible manufacturers may manufacture and package lower-potency hemp edibles for consumer sale, and sell hemp concentrate and lower-potency hemp edibles to other cannabis and hemp businesses.

## **Lower-Potency Hemp Edible Retailer**

Lower-potency hemp edible retailers may sell lower-potency hemp edibles to customers.

Each license is subject to further restrictions on allowable activities. Maximum cultivation area and manufacturing allowances vary by license type. Allowable product purchase, transfer, and sale between licensees are subject to restrictions in the law.

# The Adult-Use Cannabis Law

Minnesota's new adult-use cannabis law permits the personal use, possession, and transportation of cannabis by those 21 years of age and older, and allows licensed businesses to conduct cultivation, manufacturing, transport, delivery, and sale of cannabis and cannabis products.

## For Individuals

- **Possession limits:**
  - Flower - 2 oz. in public, 2 lbs. in private residence
  - Concentrate - 8 g
  - Edibles (including lower-potency hemp) - 800 mg THC
- **Consumption** only allowed on private property or at licensed businesses with on-site consumption endorsements. Consumption not allowed in public.
- **Gifting** cannabis to another individual over 21 years old is allowed, subject to possession limits.
- **Home cultivation** is limited to four mature and four immature plants (eight total) in a single residence. Plants must be in an enclosed and locked space.
- **Home extraction** using volatile substances (e.g., butane, ethanol) is not allowed.
- **Unlicensed sales** are not allowed.



## For Businesses

- **Advertising:**
  - May not include or appeal to those under 21 years old.
  - Must include proper warning statements.
  - May not include misleading claims or false statements.
  - Billboards are not allowed.
- The flow of all products through the supply chain must be tracked by the state-authorized **tracking system**.
- All products sold to consumers and patients must be **tested for contaminants**.
- **Home delivery** is allowed by licensed businesses.



# ***The Cannabis Licensing Process***

An applicant will take the following steps to proceed from application to active licensure. As described, processes vary depending on social equity status and/or whether the type of license being sought is capped or uncapped in the general licensing process.

## ***License Preapproval: Early Mover Process for Social Equity Applicants***

The license preapproval process is a one-time application process available for verified social equity applicants. State law requires OCM to open the application window on July 24, 2024, and close the window on August 12, 2024. The preapproval process is available for the following license types, and all are capped in this process: microbusiness, mezzobusiness, cultivator, retailer, wholesaler, transporter, testing facility, and delivery service.

Preapproval steps:

1. Applicant's social equity applicant (SEA) status verified.
2. Complete application and submit application fees.
3. Application vetted for minimum requirements by OCM.
4. Application (if qualified) entered into lottery drawing.
5. If selected in lottery, OCM completes background check of selected applicant and issues license preapproval.
6. Applicant with license preapproval\* submits business location and amends application accordingly.
7. OCM forwards completed application to local government.
8. Local government completes certification of zoning compliance.
9. OCM conducts site inspection.
10. When regulations are adopted, license becomes active, operations may commence.

\*For social equity applicants with license preapproval for microbusiness, mezzobusiness, or a cultivator license, they may begin growing cannabis plants prior to the adoption of rules if OCM receives approval from local governments in a form and manner determined by the office. This is only applicable to cultivation and does not authorize retail sales or other endorsed activities of the licenses prior to the adoption of rules.



# ***The Cannabis Licensing Process (cont.)***

The general licensing process will align with the adoption of rules and OCM will share more information about the timing of general licensing process. The general licensing process includes social equity applicants and non-social equity applicants.

## ***General Licensing: Cultivator, Manufacturer, Retailer, Mezzobusiness***

1. Complete application and submit application fees.
2. Application vetted for minimum requirements by OCM.
3. Application (if qualified) entered into lottery drawing.
4. If selected in lottery, OCM completes background check of selected applicant and issues preliminary approval.
5. Applicant with preliminary approval submits business location and amends application accordingly.
6. OCM forwards completed application to local government.
7. Local government completes certification of zoning compliance.
8. OCM conducts site inspection.
9. License becomes active, operations may commence.\*

## ***General Licensing: Microbusiness, Wholesaler, Transporter, Testing Facility, Event Organizer***

1. Complete application and submit application fees.
2. Application vetted for minimum requirements by OCM.
3. For qualified applicants, OCM completes background check of vetted applicant and issues preliminary approval.
4. Selected applicant submits business location and amends application accordingly.
5. OCM forwards completed application to local government.
6. Local government completes certification of zoning compliance.
7. OCM conducts site inspection.
8. License becomes active, operations may commence.\*

\*For businesses seeking a retail endorsement (microbusiness, mezzobusiness, and retailer), a valid local retail registration is required prior to the business commencing any retail sales. See Page 16 for information on the local retail registration process.

# General Authorities

Local governments in Minnesota have various means of oversight over the cannabis market, as provided by the adult-use cannabis law. Local governments may not issue outright bans on cannabis business, or limit operations in a manner beyond what is provided by state law.

## **Cannabis Retail Restrictions (342.13)**

Local governments may limit the number of retailers and microbusiness/mezzobusinesses with retail endorsements allowed within their locality, as long as there is **at least one retail location per 12,500 residents**. Local units of government are not obligated to seek out a business to register as cannabis business if they have not been approached by any potential applicants, but cannot prohibit the establishment of a business if this population requirement is not met. Local units of government may also issue more than the minimum number of registrations. Per statutory direction, a municipal cannabis store (Page 19) cannot be included in the minimum number of registrations required. For population counts, the state demographer estimates will likely be utilized.

## **Tribal Governments (342.13)**

OCM is prohibited from and will not issue state licenses to businesses in Indian Country without consent from a tribal nation. Tribal nations hold the authority to license tribal cannabis businesses on tribal lands – this process is separate than OCM’s licensing process and authority. Subject to compacting, Tribal nations may operate cannabis businesses off tribal lands. There will be more information available once the compacting processes are complete.

## **Taxes (295.81; 295.82)**

Retail sales of taxable cannabis products are subject to the state and local sales and use tax and a 10% gross receipts tax. Cannabis gross receipts tax proceeds are allocated as follows: 20% to the local government cannabis aid account and 80% to the state general fund. Local taxes imposed solely on sale of cannabis products are prohibited.

Cannabis retailers will be subject to the same real property tax classification as all other retail businesses. Real property used for raising, cultivating, processing, or storing cannabis plants, cannabis flower, or cannabis products for sale will be classified as commercial and industrial property.

# General Authorities (cont.)

## **Retail Timing Restrictions (342.13)**

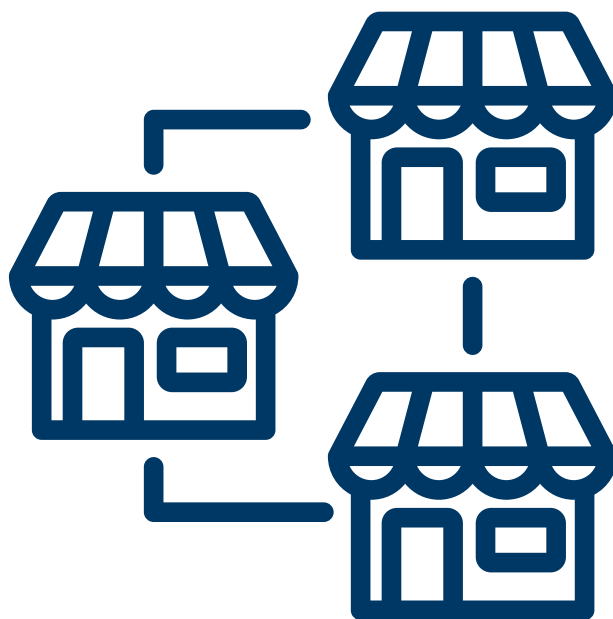
Local governments may prohibit retail sales of cannabis between the hours of 8 a.m. and 10 a.m. Monday-Saturday, and 9 p.m. and 2 a.m. the following day.

## **Operating Multiple Locations with One License**

Certain cannabis licenses allow for multiple retail locations to be operated under a single license, with the following limitations:

- **Retailers:** up to five retail locations.
- **Mezzobusinesses:** up to three retail locations.
- **Microbusinesses:** up to one retail location.
- **Medical cannabis combination businesses:** one retail location per congressional district. Additionally, medical cannabis combination businesses may cultivate at more than one location within other limitations on cultivation.

For all other license types, one license permits the operation of one location. Each retail location requires local certification and/or registration.



# Zoning and Land Use

## **Buffer Guidelines (342.13)**

State law does not restrict how a local government conducts its zoning designations for cannabis businesses, except that they may prohibit the operation of a cannabis business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including playgrounds and athletic fields.

## **Zoning Guidelines**

While each locality conducts its zoning differently, a few themes have emerged across the country. For example, cannabis manufacturing facilities are often placed in industrial zones, while cannabis retailers are typically found in commercial/retail zones. Cannabis retail facilities align with general retail establishments and are prohibited from allowing consumption or use onsite, and are also required to have plans to prevent the visibility of cannabis and hemp-derived products to individuals outside the retail location. Industrial hemp is an agricultural product, and should be zoned as such.

Cannabis businesses should be zoned under existing zoning ordinances in accordance with the license type or endorsed activities held by the cannabis business. Note that certain types of licenses may be able to perform multiple activities which may have different zoning analogues. In the same way municipalities may zone a microbrewery that predominately sells directly to onsite consumers differently than a microbrewery that sells packaged beer to retailers and restaurants, so too might a municipality wish to zone two microbusinesses based on the actual activities that each business is undertaking. Table 1, included on Pages 13 and 14, explains the types of activities that cannabis businesses might undertake, as well as, some recommended existing zoning categories.

# Zoning and Land Use (cont.)

**Table 1: Cannabis and Hemp Business Activities**

<b>Endorsed Activity</b>	<b>License Type Eligible to Do Endorsed Activity</b>	<b>Description of Activity</b>	<b>Comparable Districts</b>	<b>Municipal Considerations</b>
Cultivation	Cultivator Mezzobusiness Microbusiness Medical Cannabis Combination	"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts.	Indoor: Industrial, Commercial, Production  Outdoor: Agricultural	Odor  Potential need for transportation from facility  Waste, water, and energy usage  Security
Cannabis Manufacturing, Processing, Extraction	Manufacturer Mezzobusiness Microbusiness Medical Cannabis Combination	This group of endorsed activities turn raw, dried cannabis and cannabis parts into other types of cannabis products, e.g. edibles or topicals.	Industrial, Commercial, Production	Odor  Potential need for transportation from facility  Waste, water, and energy usage  Security
Hemp Manufacturing	Lower-Potency Hemp Edible (LPHE) Manufacturing	These business convert hemp into LPHE edible products.	Industrial, Commercial, Production	Odor Waste, water, and energy
Wholesale	Wholesale Cultivator Manufacturer Mezzobusiness Microbusiness Medical Cannabis Combination	This activity and license type allows a business to purchase from a business growing or manufacturing cannabis or cannabis products and sell to a cannabis business engaged in retail.	Industrial, Commercial, Production	Need for transportation from facility  Security

# Zoning and Land Use (cont.)

**Table 1: Cannabis and Hemp Business Activities (continued)**

<b>Endorsed Activity</b>	<b>License Type Eligible to Do Endorsed Activity</b>	<b>Description of Activity</b>	<b>Comparable Districts</b>	<b>Municipal Considerations</b>
Cannabis Retail	Retail Mezzobusiness Microbusiness Medical Cannabis Combination	This endorsed activity and license types allow a business to sell cannabis and cannabis products directly to consumers.	Retail, Neighborhood Shopping Districts, Light Industrial, Existing districts where off-sale liquor or tobacco sales are allowed.	Micros may offer onsite consumption, similar to breweries.  Micros and Mezzos may include multiple activities: cultivation, manufacture, and/or retail.
Transportation	Cannabis Transporter	This license type allows a company to transport products from one license type to another.		Fleet based business that will own multiple vehicles, but not necessarily hold a substantial amount of cannabis or cannabis products.
Delivery	Cannabis Delivery	This license type allows for transportation to the end consumer.		Fleet based business that will own multiple vehicles, but not necessarily hold a substantial amount of cannabis or cannabis products.
Events	Event Organizer	This license entitles license holder to organizer a temporary event lasting no more than four days.	Anywhere that the city permits events to occur, subject to other restrictions related to cannabis use.	On site consumption.  Retail sales by a licensed or endorsed retail business possible.

# Local Approval Process

Local governments play a critical role in the licensing process, serving as a near-final approval check on cannabis businesses nearing the awarding of a state license for operations. Once an applicant has been vetted by OCM and is selected for proceeding in the verification process, they are then required to receive the local government's certification of zoning compliance and/or local retail registration before operations may commence.



## Local Certification of Zoning Compliance (342.13; 342.14)

Following OCM's vetting process, local governments must **certify** that the applicant with preliminary approval has achieved **compliance with local zoning ordinances** prior to the licensee receiving final approval from OCM to commence operations.

During the application and licensing process for cannabis businesses, OCM will notify a local government when an applicant intends to operate within their jurisdiction and request a certification as to whether a proposed cannabis business complies with local zoning ordinances, and if applicable, whether the proposed business complies with state fire code and building code.

According to Minnesota's cannabis law, a local unit of government has 30 days to respond to this request for certification of compliance. If a local government does not respond to OCM's request for certification of compliance within the 30 days, the cannabis law allows OCM to issue a license. OCM may not issue the final approval for a license if the local government has indicated they are not in compliance.

OCM will work with local governments to access the licensing software system to complete this zoning certification process.

# ***Local Approval Process (cont.)***

## ***Local Retail Registration Process (342.22)***

Once the licensing process begins, local government registration applies to cannabis retailers or other cannabis/hemp businesses seeking a retail endorsement. Local governments must issue a retail registration after verifying that:

- The business has a valid license or license preapproval issued by OCM.
- The business has paid a registration fee or renewal fee to the local government;
  - Initial registration fees collected by a local government may be \$500 or half the amount of the applicable initial license fee, whichever is less, and renewal registration fees may be \$1,000 or half the amount of the applicable renewal license fee, whichever is less.
- The business is found to be in compliance with Chapter 342 and local ordinances.
- If applicable, the business is current on all property taxes and assessments for the proposed retail location.

Local registrations may also be issued by counties if the respective local government transfers such authorities to the county.

## ***Determining a Process for Limiting Retail Registrations***

If a local government wishes to place a limitation on the number of retailers and microbusiness/mezzobusinesses with retail endorsements allowed within their locality (as long as there is at least one retail location per 12,500 residents, see Page 10), state law does not define the process for a local government's selection if there are more applicants than registrations available. A few options for this process include the use of a lottery, a first-come/first-serve model, a rolling basis, and others. Local governments should work with an attorney to determine their specific process for selection if they wish to limit the number of licensed cannabis retailers per 342.13. Local governments are not required to limit the number of licensed cannabis retailers.



# Local Approval Process (cont.)

Local governments are permitted specific authorities for registration refusal and registration suspension, in addition to—and not in conflict with—OCM authorities.

## Registration and Renewal Refusals

Local governments may refuse the registration and/or certification of a license renewal if the license is associated with an individual or business who no longer holds a valid license, has failed to pay the local registration or renewal fee, or has been found in noncompliance in connection with a preliminary or renewal compliance check.



## Local Registration Suspension (342.22)

Local governments may suspend the local retail registration of a cannabis business or hemp business if the business is determined to not be operating in compliance with a local ordinance authorized by 342.13 or if the operation of the business poses an immediate threat to the health and safety of the public. The local government must immediately notify OCM of the suspension if it occurs. OCM will review the suspension and may reinstate the registration or take enforcement action.

## Expedited Complaint Process (342.13)

Per state law, OCM will establish an expedited complaint process during the rulemaking process to receive, review, read, and respond to complaints made by a local unit of government about a cannabis business. Upon promulgation of rules, OCM will publish the complaint process.

At a minimum, the expedited complaint process shall require the office to provide an initial response to the complaint within seven days and perform any necessary inspections within 30 days. Within this process, if a local government notifies OCM that a cannabis business poses an immediate threat to the health or safety of the public, the office must respond within one business day.

# Inspections & Compliance Checks

Local governments are permitted specific business inspection and compliance check authorities, in addition to—and not in conflict with—OCM authorities.

## Inspections and Compliance Checks (342.22)

Local governments must conduct **compliance checks** for cannabis and hemp businesses holding retail registration **at least once per calendar year**. These compliance checks must verify compliance with age verification procedures and compliance with any applicable local ordinance established pursuant to 342.13. OCM maintains inspection authorities for all cannabis licenses to verify compliance with operation requirements, product limits, and other applicable requirements of Chapter 342.



# Municipal Cannabis Stores

As authorized in Chapter 342.32, local governments are permitted to apply for a cannabis retail license to establish and operate a municipal cannabis store.

State law requires OCM issue a license to a city or county seeking to operate a single municipal cannabis store if the city or county:

- Submits required application information to OCM,
- Meets minimum requirements for licensure, and
- Pays applicable application and license fee.

A municipal cannabis store will not be included in the total count of retail licenses issued by the state under Chapter 342.

A municipal cannabis store cannot be counted as retail registration for purposes of determining whether a municipality's cap on retail registrations imposed by ordinance.



# Creating Your Local Ordinance

As authorized in 342.13, a local government may adopt a local ordinance regarding cannabis businesses. Establishing local governments' ordinances on cannabis businesses in a timely manner is critical for the ability for local cities or towns to establish local control as described in the law, and is necessary for the success of the statewide industry and the ability of local governments to protect public health and safety. The cannabis market's potential to create jobs, generate revenue, and contribute to economic development at the local and state level is supported through local ordinance work. The issuance of local certifications and registrations to prospective cannabis businesses is also dependent on local ordinances.

- Local governments may not prohibit the possession, transportation, or use of cannabis, or the establishment or operation of a cannabis business licensed under state law.
- Local governments may adopt reasonable restrictions on the time, place, and manner of cannabis business operations (see Page 11).
- Local governments may adopt interim ordinances to protect public safety and welfare, as any studies and/or further considerations on local cannabis activities are being conducted, until January 1, 2025. A public hearing must be held prior to adoption of an interim ordinance.
- If your local government wishes to operate a municipal cannabis store, the establishment and operation of such a facility must be considered in a local ordinance.



## Model Ordinance

For additional guidance regarding the creation of a cannabis related ordinance, please reference the addendum in this packet.

# ***Additional Resources***

## ***OCM Toolkit for Local Partners***

Please visit OCM webpage ([mn.gov/ocm/local-governments/](https://mn.gov/ocm/local-governments/)) for additional information, including a toolkit of resources developed specifically for local government partners. The webpage will be updated as additional information becomes available and as state regulations are adopted.

These resources are also included in the addendum of this packet.

Toolkit resources include:

- Appendix A: Model Ordinance
- Appendix B: Retail Registration Form and Checklist
- Appendix C: Hemp Flower and Hemp-Derived Cannabinoid Product Checklist
- Appendix D: Enforcement Notice from the Office of Cannabis Management
- Appendix E: Notice to Unlawful Cannabis Sellers

## ***Local Organizations***

There are several organizations who also have developed resources to support local governments regarding the cannabis industry. Please feel free to contact the following for additional resources:

- League of Minnesota Cities
- Association of Minnesota Counties
- Minnesota Public Health Law Center

# *Appendix A: Model Ordinance*

## Cannabis Model Ordinance

*The following model ordinance is meant to be used as a resource for cities, counties, and townships within Minnesota. The italicized text in red is meant to provide commentary and notes to jurisdictions considering using this ordinance and should be removed from any ordinance formally adopted by said jurisdiction. Certain items are not required to be included in the adopted ordinance: 'OR' and (optional) are placed throughout for areas where a jurisdiction may want to consider one or more choices on language.*

Section 1	Administration
Section 2	Registration of Cannabis Business
Section 3	Requirements for a Cannabis Business (Time, Place, Manner)
Section 4	Temporary Cannabis Events
Section 5	Lower Potency Hemp Edibles
Section 6	Local Government as a Retailer
Section 7	Use of Cannabis in Public

### AN ORDINANCE OF THE (CITY/COUNTY OF \_\_\_\_\_) TO REGULATE CANNABIS BUSINESSES

The (city council/town board/county board) of (city/town/county) hereby ordains:

#### Section 1. Administration

##### 1.1 Findings and Purpose

(insert local authority) makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes (insert local authority) to protect the public health, safety, welfare of (insert local here) residents by regulating cannabis businesses within the legal boundaries of (insert local here).

(insert local authority) finds and concludes that the proposed provisions are appropriate and lawful land use regulations for (insert local here), that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

##### 1.2 Authority & Jurisdiction

*A county can adopt an ordinance that applies to unincorporated areas and cities that have delegated authority to impose local zoning controls.*

(insert local authority) has the authority to adopt this ordinance pursuant to:

- a) Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of

a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.

- b) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- c) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- d) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

Ordinance shall be applicable to the legal boundaries of (insert local here).

(Optional) (insert city here) has delegated cannabis retail registration authority to (insert county here). However, (insert city here) may adopt ordinances under Sections (2.6, 3 and 4) if (insert county here) has not adopted conflicting provisions.

### 1.3 Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

### 1.4 Enforcement

*The elected body of a jurisdiction can choose to designate an official to administer and enforce this ordinance.*

The (insert name of local government or designated official) is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

### 1.5 Definitions

1. Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.
2. Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.
3. Cannabis Retail Businesses: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, (and/excluding) lower-potency hemp edible retailers.



4. Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
5. Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
6. Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.
7. Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
8. Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
9. Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
10. Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
11. Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.
12. Retail Registration: An approved registration issued by the (insert local here) to a state-licensed cannabis retail business.
13. School: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
14. State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

## Section 2. Registration of Cannabis Businesses

*A city or town can delegate authority for registration to the County. A city or town can still adopt specific requirement regarding zoning, buffers, and use in public places, provided said requirements are not in conflict with an ordinance adopted under the delegated authority granted to the County.*

### 2.1 Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business within (insert local here) without first registering with (insert local here).

Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of (up to \$2,000) for each violation.

Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government.

## 2.2 Compliance Checks Prior to Retail Registration

*A jurisdiction can choose to conduct a preliminary compliance check prior to issuance of retail registration.*

Prior to issuance of a cannabis retail business registration, (insert local here) (shall/shall not) conduct a preliminary compliance check to ensure compliance with local ordinances.

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, (insert local here) shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

## 2.3 Registration & Application Procedure

### 2.3.1 Fees.

(insert local here) shall not charge an application fee.

A registration fee, as established in (insert local here)'s fee schedule, shall be charged to applicants depending on the type of retail business license applied for.

An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.

Any renewal retail registration fee imposed by (insert local here) shall be charged at the time of the second renewal and each subsequent renewal thereafter.

A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.

A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

### 2.3.2 Application Submittal.

The (insert local here) shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

(A) An applicant for a retail registration shall fill out an application form, as provided by the (insert local here). Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant;
- ii. Address, email address, and telephone number of the applicant;
- iii. The address and parcel ID for the property which the retail registration is sought;
- iv. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.
- v. (Insert additional standards here)

(B) The applicant shall include with the form:

- i. the registration fee as required in [Section 2.3.1];
  - ii. a copy of a valid state license or written notice of OCM license preapproval;
  - iii. (Insert additional standards here)
- (C) Once an application is considered complete, the (insert local government designee) shall inform the applicant as such, process the application fees, and forward the application to the (insert staff/department, or elected body that will approve or deny the request) for approval or denial.
- (D) The application fee shall be non-refundable once processed.

#### 2.3.3 Application Approval

- (A) (Optional) A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 2.6.
- (B) A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
- (C) A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

#### 2.3.4 Annual Compliance Checks.

The (insert local here) shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under [Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24] and this/these [chapter/section/ordinances].

The (insert local here) shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.

Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

Any failures under this section must be reported to the Office of Cannabis Management.

#### 2.3.5 Location Change

*A jurisdiction may decide to treat location changes as a new registration, or alternatively treat a location change as allowable subject to compliance with the rest of the registration process.*

A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 2.3.2 if it seeks to move to a new location still within the legal boundaries of (insert local here).

or

If a state-licensed cannabis retail business seeks to move to a new location still within the legal boundaries of (insert local here), it shall notify (insert local here) of the proposed location change, and submit necessary information to meet all the criteria in this paragraph.

## 2.4 Renewal of Registration

The (insert local here) shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

A state-licensed cannabis retail business shall apply to renew registration on a form established by (insert local here).

A cannabis retail registration issued under this ordinance shall not be transferred.

### *2.4.1 Renewal Fees.*

The (insert local here) may charge a renewal fee for the registration starting at the second renewal, as established in (insert local here)'s fee schedule.

### *2.4.2 Renewal Application.*

The application for renewal of a retail registration shall include, but is not limited to:

- Items required under Section 2.3.2 of this Ordinance.
- Insert additional items here

## 2.5 Suspension of Registration

### *2.5.1 When Suspension is Warranted.*

The (insert local here) may suspend a cannabis retail business's registration if it violates the ordinance of (insert local here) or poses an immediate threat to the health or safety of the public. The (insert local here) shall immediately notify the cannabis retail business in writing the grounds for the suspension.

### *2.5.2 Notification to OCM.*

The (insert local here) shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide (insert local here) and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

### *2.5.3 Length of Suspension.*

*A jurisdiction can wait for a determination from the OCM before reinstating a registration.*

The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended.

The (insert local here) may reinstate a registration if it determines that the violations have been resolved.

The (insert local here) shall reinstate a registration if OCM determines that the violation(s) have been resolved.

#### 2.5.4 Civil Penalties.

Subject to Minn. Stat. 342.22, subd. 5(e) the (insert local here) may impose a civil penalty, as specified in the (insert local here)'s Fee Schedule, for registration violations, not to exceed \$2,000.

### 2.6 Limiting of Registrations

*A jurisdiction may choose to set a limit on the number of retail registrations within its boundaries. The jurisdiction may not however, limit the number of registrations to fewer than one per 12,500 residents.*

*(Optional) The (insert local here) shall limit the number of cannabis retail businesses to no fewer than one registration for every 12,500 residents within (insert local legal boundaries here).*

*(Optional) If (insert county here) has one active cannabis retail businesses registration for every 12,500 residents, the (insert local here) shall not be required to register additional state-licensed cannabis retail businesses.*

*(Optional) The (insert local here) shall limit the number of cannabis retail businesses to (insert number <= minimum required).*

## Section 3. Requirements for Cannabis Businesses

*State Statutes note that jurisdictions may “adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business.” A jurisdiction considering other siting requirements (such as a buffer between cannabis businesses, or a buffer from churches) should consider whether there is a basis to adopt such restrictions.*

### 3.1 Minimum Buffer Requirements

*A jurisdiction can adopt buffer requirements that prohibit the operation of a cannabis business within a certain distance of schools, daycares, residential treatment facilities, or from an attraction within a public park that is regularly used by minors, including a playground or athletic field. Buffer requirements are optional. A jurisdiction cannot adopt larger buffer requirements than the requirements here in Section 3.1. A jurisdiction should use a measuring system consistent with the rest of its ordinances, e.g. from lot line or center point of lot.*

*(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-1,000] feet of a school.*

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of a day care.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of a residential treatment facility.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

(Optional) The (insert local here) shall prohibit the operation of a cannabis retail business within [X] feet of another cannabis retail business.

Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a (school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors) moves within the minimum buffer zone.

### 3.2 Zoning and Land Use

*For jurisdictions with zoning, said jurisdiction can limit what zone(s) Cannabis businesses can operate in. As with other uses in a Zoning Ordinance, a jurisdiction can also determine if such use requires a Conditional or Interim Use permit. A jurisdiction cannot outright prohibit a cannabis business. A jurisdiction should amend their Zoning Ordinance and list what zone(s) Cannabis businesses are permitted in, and whether they are permitted, conditional, or interim uses. While each locality conducts its zoning differently, a few themes have emerged across the country. For example, cannabis manufacturing facilities are often placed in industrial zones, while cannabis retailers are typically found in commercial/retail zones. Cannabis retail facilities align with general retail establishments and are prohibited from allowing consumption or use onsite and are also required to have plans to prevent the visibility of cannabis and hemp-derived products to individuals outside the retail location. Cannabis businesses should be zoned under existing zoning ordinances in accordance with the license type or endorsed activities held by the cannabis business.*

#### 3.2.1. Cultivation.

Cannabis businesses licensed or endorsed for cultivation are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

#### 3.2.1. Cannabis Manufacturer.

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

### *3.2.1. Hemp Manufacturer.*

Businesses licensed or endorsed for low-potency hemp edible manufacturers permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

### *3.2.1. Wholesale.*

Cannabis businesses licensed or endorsed for wholesale are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

### *3.2.1. Cannabis Retail.*

Cannabis businesses licensed or endorsed for cannabis retail are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

### *3.2.1. Cannabis Transportation.*

Cannabis businesses licensed or endorsed for transportation are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

### *3.2.1. Cannabis Delivery.*

Cannabis businesses licensed or endorsed for delivery are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

## 3.3 Hours of Operation

*State law limits the retail sale of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products to the hours of:*

- *Monday-Saturday: 8 a.m.-2 a.m. the following day*
- *Sunday: 10 a.m.-2 a.m.*

*A local jurisdiction may adopt an ordinance prohibiting sales for any period between the hours of 8 a.m.-10 a.m. and between 9 p.m.-2 a.m. the following day, seven days a week.*

(Optional) Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of (insert time here) and (insert time here).

### 3.4 (Optional) Advertising

Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business, unless otherwise limited by (insert local here)'s sign ordinances.

## Section 4. Temporary Cannabis Events

*Any individual or business seeking to obtain a cannabis event license must provide OCM information about the time, location, layout, number of business participants, and hours of operation. A cannabis event organizer must receive local approval, including obtaining any necessary permits or licenses issued by a local unit of government before holding a cannabis event.*

### 4.1 License or Permit Required for Temporary Cannabis Events

#### 4.1.1 License Required.

*A cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four days. A jurisdiction should determine what type of approval is consistent with their existing ordinances for events.*

A license or permit is required to be issued and approved by (insert local here) prior to holding a Temporary Cannabis Event.

#### 4.1.2 Registration & Application Procedure

A registration fee, as established in (insert local here)'s fee schedule, shall be charged to applicants for Temporary Cannabis Events.

#### 4.1.3 Application Submittal & Review.

The (insert local here) shall require an application for Temporary Cannabis Events.

- (A) An applicant for a retail registration shall fill out an application form, as provided by the (insert local here). Said form shall include, but is not limited to:
  - i. Full name of the property owner and applicant;
  - ii. Address, email address, and telephone number of the applicant;
  - iii. (Insert additional standards here)
- (B) The applicant shall include with the form:
  - i. the application fee as required in (Section 4.1.2);
  - ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

The application shall be submitted to the (insert local authority), or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

- (C) Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the (insert staff/department, or elected body that will approve or deny the request) for approval or denial.



(D) The application fee shall be non-refundable once processed.

(E) The application for a license for a Temporary Cannabis Event shall meet the following standards:

*A jurisdiction may establish standards for Temporary cannabis events which the event organizer must meet, including restricting or prohibiting any on-site consumption. If there are public health, safety, or welfare concerns associated with a proposed cannabis event, a jurisdiction would presumably be authorized to deny approval of that event.*

- Insert standards here

(G) A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.

(H) A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The (insert city/town/county) shall notify the applicant of the standards not met and basis for denial.

(Optional) Temporary cannabis events shall only be held at (insert local place).

(Optional) Temporary cannabis events shall only be held between the hours of (insert start time) and (insert stop time).

## Section 5. (Optional) Lower-Potency Hemp Edibles

*A jurisdiction can establish different standards or requirements regarding Low-Potency Edibles. A jurisdiction can consider including the following section and subsections in their cannabis ordinance.*

### 5.1 Sale of Low-Potency Hemp Edibles

The sale of Low-Potency Edibles is permitted, subject to the conditions within this Section.

### 5.2 Zoning Districts

*If sales are permitted, a jurisdiction can limit what zone(s) the sales of Low-Potency Edibles can take place in. A jurisdiction can also determine if such activity requires a Conditional or Interim Use permit.*

Low-Potency Edibles businesses are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

### 5.3 (Optional) Additional Standards

#### 5.3.1 Sales within Municipal Liquor Store.

*A jurisdiction that already operates a Municipal Liquor Store may sell Low-Potency Edibles within the same store.*

The sale of Low-Potency Edibles is permitted in a Municipal Liquor Store.

#### *5.3.2 Age Requirements.*

*A jurisdiction is able to restrict the sale of Low-Potency Edibles to locations such as bars.*

The sale of Low-Potency Edibles is permitted only in places that admit persons 21 years of age or older.

#### *5.3.3 Beverages.*

The sale of Low-Potency Hemp Beverages is permitted in places that meet requirements of this Section.

#### *5.3.4 Storage of Product.*

*A jurisdiction is able to set requirements on storage and sales of Low-Potency Edibles.*

Low-Potency Edibles shall be sold behind a counter, and stored in a locked case.

### Section 6. (Optional) Local Government as a Cannabis Retailer

(insert local here) may establish, own, and operate one municipal cannabis retail business subject to the restrictions in this chapter.

The municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses under Section 2.6.

(insert local here) shall be subject to all same rental license requirements and procedures applicable to all other applicants.

### Section 7. Use in Public Places

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.

# ***Appendix B: Retail Registration Form and Checklist***

## Retail Registration Form and Checklist

Local Unit of Government:

Business Name:

Business Address:

Minnesota Cannabis Business License Number:

### Registration Period

- |   |  |
|---|--|
| <input type="radio"/> Initial                           | <input type="radio"/> Renewal                            |
| <input type="radio"/> Cannabis Microbusiness (\$0.00)   | <input type="radio"/> Cannabis Microbusiness (\$1000.00) |
| <input type="radio"/> Cannabis Mezzobusiness (\$500.00) | <input type="radio"/> Cannabis Mezzobusiness (\$1000.00) |
| <input type="radio"/> Cannabis Retailer (\$500.00)      | <input type="radio"/> Cannabis Retailer (\$1000.00)      |

Is Applicant Current on All Property Tax and Assessments at Retail Location:

- Yes  No

Preliminary Local Ordinance Compliance:  Pass  Fail

Notes:

The above named applicant having paid the appropriate fees, being current on all applicable tax obligations, and having passed a preliminary compliance review, is authorized to engage in retail cannabis sales in the above named jurisdiction.

Approved By:

Title:

Date:

# ***Appendix C: Hemp Flower and Hemp-Derived Cannabinoid Product Checklist***

## Hemp Flower and Hemp-Derived Cannabinoid Product Checklist

Minnesota Statute 18K.02, Definitions  
 Minnesota Statute 152.01, Subdivision 9  
 Minnesota Statute 151.72, Sale of Certain Cannabinoid Products

Minnesota Statute 152.0264, Cannabis Sale Crimes  
 Minnesota Statute 342.09, Personal Adult Use of Cannabis

Question	Yes	No	Comments	Additional Information
<b>Business License and Registration Compliance</b>				
Is the business registered with the Minnesota Department of Health?				All businesses selling hemp-derived cannabinoid products must be registered. See <a href="http://www.health.state.mn.us/people/cannabis/edibles/index.html">Hemp-Derived Cannabinoid Products (www.health.state.mn.us/people/cannabis/edibles/index.html)</a>
If the business offers on-site consumption, do they have a liquor license?				Local authorities issue on-site consumption licenses. These are required for all businesses permitting on-site consumption of THC.
<b>Product Compliance – All Products</b>				
Does the business ensure that all sales are made to persons 21 years old or older?				Only persons 21 years of age or older may purchase hemp-derived cannabinoid products, with the exception of topicals. These products may be sold to anyone.
Does the business have all edible cannabinoid products, except beverages, behind the counter or in a locked cabinet?				Businesses must ensure all edible cannabinoid products are secure and inaccessible to customers.

Question	Yes	No	Comments	Additional Information
Only delta-8 and delta-9 are allowed for human consumption. Does the business sell edibles or beverages with any other intoxicating cannabinoids?				MDH has identified products containing many different intoxicating cannabinoids, such as HHC, THC-O, THC-P, PHC, delta-10, delta-11, delta-8p, delta-9p, etc. The product must contain only delta-8 and/or delta-9.
Does the business sell any edible products that are similar to a product marketed to or consumed by children?				Edible products that appear similar to candy or snacks marketed toward or consumed by children are not allowed.
Does the label on the edible or beverage state “Keep out of reach of children”?				All products must include the warning label “Keep out of reach of children.”
Is the manufacturer’s name, address, website, and contact phone number included on the label or provided through a QR code?				If not, the product is not in compliance.
Does the QR code on the product bring the user to a Certificate of Analysis on the website, which includes the name of the independent testing laboratory, cannabinoid profile, and product batch number?				All products must be tested by batch in an independent, accredited laboratory. The results must include the cannabinoid profile.
Does the label on the product indicate the cannabinoids by serving and in total?				The label must indicate the potency by individual serving as well as in total.

Question	Yes	No	Comments	Additional Information
Does the label on the product make any claim the product offers any kind of health benefit?				Health claims are not permitted on hemp or cannabis products unless approved by the FDA. At this time, there is not an approved statement.
Does the label on the product state that the product does not claim to diagnose, treat, cure or prevent any disease?				The manufacturer cannot claim the product will provide any health benefit unless the product has been formally approved by the FDA.
Does the business sell CBD (or other forms of cannabidiol) in the form of a softgel, tablet, or tincture?				Non-intoxicating cannabinoids may only be sold in the form of an edible, beverage, or topical. Therefore, softgels and tablets cannot be sold. Tinctures must be labeled as either an edible or beverage and comply with the edible or beverage requirements.
<b>Product Compliance – Edibles</b>				
Does the edible product contain more than 5 mg delta-8 and/or delta-9 per serving?				Edibles may not exceed 5 mg delta-8 and/or delta-9 per serving.
Does the edible product package/container contain more than 50 mg total THC (delta-8 and/or delta-9)?				Edibles may not exceed 50 mg total delta-8 or delta-9 per package. The edible cannot contain any other form of THC or intoxicating cannabinoid.
Are all the edible product's servings clearly marked, wrapped, or scored <u>on</u> the product?				Edible product servings must be clearly distinguished on the product. Bulk products that require the consumer to measure are not allowed.



Question	Yes	No	Comments	Additional Information
Does the business sell any edible products in the shape of bears, worms, fruits, rings, ribbons?				Edibles in shapes that appeal to children are not allowed.
Is the edible product in a child-proof, tamper-evident, opaque container?				All edibles must be in a container that is child-resistant and tamper evident. If the container is clear, the business must place the edible into an opaque bag at the point of sale. Clear bags are not allowed.
<b>Product Compliance - Beverages</b>				
Does the beverage product contain more than 5 mg delta-8 or delta-9 per serving?				Beverages may not exceed 5 mg delta-8 and/or delta-9 per serving.
Does the beverage product contain more than 2 servings?				Beverages cannot exceed two servings, regardless of the THC potency.
Is the beverage product in an opaque container?				If the beverage is in a clear container, the business must place the beverage in an opaque bag at the point of sale.
<b>Product Compliance – Smokables (non-flower)</b>				
Does the business sell vapes, pre-rolls, dabs, or other smokable products which contain more than 0.3% THC?				<p>A product's certificate of analysis will show the concentration of THC the product contains. The certificate typically is found through the QR code on the product package. In MDH's experience, most vapes contain 50% - 90%+ THC.</p> <p>Pre-rolls may consist of raw hemp flower. These products are not regulated by 151.72. However, if a pre-roll is labeled as "infused" or "coated" have additional cannabinoids applied to the material, of which the product typically exceeds the 0.3% THC limit.</p>

Question	Yes	No	Comments	Additional Information
Does the business sell vapes, pre-rolls, dabs, or other smokeable products that contain other intoxicating cannabinoids, such as HHC?				MN Statutes do not allow any cannabinoid, other than delta-8 or delta-9, to be sold if the cannabinoid is intended to alter the structure or function of the body. HHC is a cannabinoid known to have potency greater than THC.
Does the business sell vapes, pre-rolls, dabs, or other smokable products which contain CBD?				Non-intoxicating cannabinoids cannot be smoked, vaped, or inhaled.
<b>Product Compliance – Flower</b>				
Does the business sell raw hemp flower?				<p>Raw hemp flower must contain 0.3% or less of delta-9 on a dry weight basis. Products exceeding 0.3% delta-9 dry weight are marijuana, and are illegal for sale.</p> <p>THC-A is the non psychoactive precursor to delta-9. Once heated THC-A converts to delta-9. In that process some amount of THC-A is lost.</p> <p>To determine whether, once heated, the hemp flower will exceed the allowable 0.3% of delta-9, one can use a decarboxylation formula which takes into account the conversion of THC-A into delta-9.</p> <p>That formula is as follows:  Total THC = (0.877 X THC-A) + d-9 THC)</p> <p>Raw flower must include a certificate of analysis to show testing below 0.3% delta-9.</p> <ul style="list-style-type: none"> <li>• A lack of a certificate of analysis would constitute an illegal sale.</li> </ul>

Question	Yes	No	Comments	Additional Information
				<ul style="list-style-type: none"> <li>A certificate of analysis showing that under the decarboxylation formula that delta-9 would exceed the 0.3% threshold would also indicate the flower is cannabis and not hemp and therefore being sold illegally.</li> </ul>
<b>Product Compliance – On-Site Consumption</b>				
If the business offers on-site consumption, do they serve the edible or beverage in its original packaging?				The business may not pour out or remove an edible from its original packaging.
If the business offers on-site consumption, do they mix a cannabis-infused beverage with alcohol?				The business may not mix cannabis-infused products with alcohol.
If the business offers on-site consumption, do they permit customers to remove from the premises products which have been removed from their original packaging?				Products which have been removed from their original packaging cannot be removed from the premises by the customer.

NOTE: If a person suspects that a hemp-derived cannabinoid product is being sold in violation of Minnesota law, they can use the complaint form at [Submitting Hemp-Derived Cannabinoid Product Complaints \(www.health.state.mn.us/people/cannabis/edibles/complaints.html\)](http://www.health.state.mn.us/people/cannabis/edibles/complaints.html).

# ***Appendix D: Enforcement Notice from the Office of Cannabis Management***

## Enforcement Notice from the Office of Cannabis Management

Dear Registered Hemp Derived Cannabinoid Business:

The Office of Cannabis Management (OCM), established in 2023, is charged with developing and implementing the operational and regulatory systems to oversee the cannabis industry in Minnesota as provided in Minnesota Statutes Chapter 342.

When Minnesota legalized the sale of adult-use of cannabis flower, cannabis products, and lower-potency hemp edibles/ hemp-derived consumer products, the Minnesota Legislature included statutory provisions, [Minnesota Statutes, chapter 152.0264](#), making the sale of cannabis illegal until a business is licensed by OCM. The Office of Cannabis Management has not yet issued licenses for the cultivation, manufacture, wholesale, transportation or retail sale of cannabis, therefore any retail sales of cannabis products, including cannabis flower, are illegal.

The Office of Cannabis Management has received complaints of retailers selling cannabis flower under the label of hemp flower. Under an agreement between The Minnesota Department of Health (MDH) and OCM, inspectors from MDH will begin to examine any flower products being sold during their regular inspections to determine whether they are indeed hemp flower or cannabis flower.

In distinguishing between hemp and cannabis flower, OCM, consistent with federal rules and regulations related to hemp under 7 CFR 990.1, will consider the total concentration of THC post- decarboxylation, which is the process by which THC-A is converted into Delta-9 to produce an intoxicating effect. The examination of raw flower products will include reviewing the certificate of analysis for compliance in several areas, including:

Compliance with the requirement that raw flower listed for sale includes a Certificate of Analysis (COA). Products for sale without a COA will constitute an illegal sale.

A COA that affirms concentrations of 0.3% or less of Delta-9 on a dry weight basis. Products exceeding 0.3% Delta-9 dry weight are considered marijuana and are therefore illegal to sell.

A COA that confirms that the total levels of Delta-9 and THC-A after the decarboxylation process do not exceed 0.3%. A COA that indicates the raw flower will exceed 0.3 percent Delta-9 post-decarboxylation, or a subsequent test conducted by an independent laboratory utilized by OCM that confirms Delta-9 in excess of 0.3 percent will be considered illegal.

[Minnesota Statutes, Chapter 342](#) governs Minnesota’s cannabis market, and empowers OCM to ensure regulatory compliance. [Minnesota Statutes, chapter 342.09, subdivision 4](#) prohibits the retail sale of cannabis flower and cannabis products “without a license issued under this chapter that authorizes the sale.”

To date, the Office of Cannabis Management has not issued any cannabis licenses, applications for licenses are expected to be available in the first half of 2025. As such, selling cannabis is a clear violation of law. Be aware that under [Minnesota Statutes, 342.09, subdivision 6](#), OCM may assess fines in excess of a \$1 million for violations of this law. Likewise, under [Minnesota Statutes, chapter 342.19](#), OCM is empowered to embargo any product that it has “probable cause to believe . . . is being distributed in violation of this chapter or rules adopted under this chapter[.]” Furthermore, violations of law may be considered in future licensing decisions made by OCM.

As inspectors enter the field, we encourage you to review the products you are currently selling to ensure they fall within the thresholds outlined above. If you have any questions related to the products you are selling, please send an email to [cannabis.info@state.mn.us](mailto:cannabis.info@state.mn.us).

Thank you for your attention to this matter.

A handwritten signature in black ink, appearing to read "Charlene Briner", with a long horizontal flourish extending to the right.

Charlene Briner  
Interim Director  
Office of Cannabis Management

# ***Appendix E: Notice to Unlawful Cannabis Sellers***

## Notice to Unlawful Cannabis Sellers

This notice is to inform you that your current course of action may run afoul of Minnesota law, and continuing this course of action may result in civil actions and potential criminal prosecution. To avoid such outcomes, you should immediately cease and desist any plans to engage in the unlicensed sale of cannabis and cannabis products.

[Minnesota Statutes, Chapter 342 \(www.revisor.mn.gov/statutes/cite/342\)](http://www.revisor.mn.gov/statutes/cite/342) governs Minnesota's cannabis market, and empowers OCM to ensure regulatory compliance. [Minnesota Statutes, chapter 342.09, subdivision 4 \(www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.4\)](http://www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.4) prohibits the retail sale of cannabis flower and cannabis products “without a license issued under this chapter that authorizes the sale.” To date the Office of Cannabis Management has not issued any retail, or other, cannabis licenses. As such, your plan to sell cannabis in a retail setting at this date would be in flagrant violation of the law. Be aware that under [Minnesota Statutes, 342.09, subdivision 6 \(www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.6\)](http://www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.6), OCM may assess fines in excess of a \$1,000,000 for violations of this law.

Likewise, under [Minnesota Statutes, chapter 342.19 \(www.revisor.mn.gov/statutes/cite/342.19\)](http://www.revisor.mn.gov/statutes/cite/342.19), OCM is empowered to embargo any product that it has “probable cause to believe . . . is being distributed in violation of this chapter or rules adopted under this chapter[.]” It is believed that products attempted to be sold at your retail location might be distributed in violation of the law, and would therefore be subject to embargo by OCM. Under [Minnesota Statutes, chapter 342.19, subd. 2 \(www.revisor.mn.gov/statutes/cite/342.19#stat.342.19.2\)](http://www.revisor.mn.gov/statutes/cite/342.19#stat.342.19.2), once embargoed OCM “shall release the cannabis plant, cannabis flower, cannabis product, artificially derived cannabinoid, lower-potency hemp edible, or hemp-derived consumer product when this chapter and rules adopted under this chapter have been complied with or the item is found not to be in violation of this chapter or rules adopted under this chapter.”

While Minnesota has legalized the sale of adult-use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products, the legislature did add new statutory provisions, [Minnesota Statutes, chapter 152.0264 \(www.revisor.mn.gov/statutes/cite/152.0264\)](http://www.revisor.mn.gov/statutes/cite/152.0264), making illegal the unlawful sale of cannabis. As there are not yet any licenses issued by OCM for the cultivation, manufacture, wholesale, transportation, or retail of cannabis, any sales of cannabis products in excess of the limits in 152.0264 is illegal.

If you are only planning to sell cannabinoid products that are derived from hemp, you should ensure that the sale of those products is consistent with [Minnesota Statutes, chapter 151.72 \(www.revisor.mn.gov/statutes/cite/151.72\)](http://www.revisor.mn.gov/statutes/cite/151.72), including but not limited to the requirement that your business be registered with the Commissioner of Health, and that all products are in compliance with the relevant statutes.

Finally, in addition to the state laws outlined above, please be aware that any retail location must be in compliance with local government ordinances and zoning requirements.

OCM takes seriously its charge to enforce Minnesota Statutes, Chapter 342, and its responsibility to ensure a safe and legal cannabis market. In order to avoid the above-described actions, all attempts to open a cannabis retail dispensary in Minnesota without the appropriate license should be ceased.