

CHAPTER 115: CANNABIS REGULATIONS

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ADMINISTRATION

115.01 FINDINGS AND PURPOSE

The City of Grand Meadow, MN makes the following legislative findings: The purpose of this ordinance is to implement the provisions of Minnesota Statutes, Chapter 342, which authorizes The City of Grand Meadow to protect the public health, safety, welfare of The City of Grand Meadow residents by regulating cannabis businesses within the legal boundaries of The City of Grand Meadow.

The City of Grand Meadow finds and concludes that the proposed provisions are appropriate and lawful land use regulations for The City of Grand Meadow, 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.

115.02 AUTHORITY & JURISDICTION

The City of Grand Meadow 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 The City of Grand Meadow, MN.

115.03 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.

115.04 ENFORCEMENT

The City Clerk is responsible for the administration of this ordinance. The Grand Meadow Police Department is responsible for the 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.

115.05 DEFINITIONS

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.

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 BUSINESS: A retail location and the retail location(s) of a mezzo businesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and including lower-potency hemp edible retailers.

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.

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.

LOWER-POTENCY HEMP EDIBLE: As defined under Minn. Stat. 342.01 subd. 50.

OFFICE OF CANNABIS MANAGEMENT: Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance.

PLACE OF PUBLIC ACCOMODATION: 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 Minn. Stat. 342.17.

PROTECTED USE The property which contains any public school, daycare facility, residential treatment facility, or an attraction within a public property that is regularly used by minors, including a playground or athletic field.

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 FACILTY: As defined under Minn. Stat. 245.462 subd. 23.

RETAIL REGISTRATION: An approved registration issued by the City of Grand Meadow to a state- licensed cannabis retail business.

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.

STATE LICENSE: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

REGISTRATION OF CANNABIS BUSINESSES

115.20 CONSENT TO REGISTERING OF CANNABIS BUSINESS.

No individual or entity may operate a state-licensed cannabis retail business without first obtaining registration approval from The City of Grand Meadow. No individual or entity may operate a state-licensed cannabis retail business within 100 ft of any protected use (see Definitions, 115.05)

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.

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.

115.21 COMPLIANCE CHECKS PRIOR TO RETAIL REGISTRATION.

Prior to issuance of a cannabis retail business registration, The City of Grand Meadow shall 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, The City of Grand Meadow 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.

115.22 FEES.

The City of Grand Meadow shall not charge an application fee.

A registration fee, as established in The City of Grand Meadow'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 The City of Grand Meadow 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.

115.23 APPLICATION SUBMITTAL

The City Clerk 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 City of Grand Meadow. 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. Zoning Approval for the location of the registered use
- 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;
- C. Once an application is considered complete, the City Clerk shall inform the applicant as such, process the application fees, and forward the application to the Grand Meadow City Council for approval or denial.
- D. The registration fee shall be non-refundable once processed.

115.24 APPLICATION APPROVAL

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 115.29.

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.

A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved provided the maximum number of licenses has not been exceeded.

115.25 ANNUAL COMPLIANCE CHECKS

The Grand Meadow Police Department 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 Ordinance.

The Grand Meadow Police Department 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.

115.26 LOCATION CHANGE

A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 115.27 if it seeks to move to a new location still within the legal boundaries of The City of Grand Meadow, MN.

115.27 RENEWAL OF REGISTRATION

The City of Grand Meadow 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 of Grand Meadow.

A cannabis retail registration issued under this ordinance shall not be transferred to any other person, entity, or location. Transfer of ownership or location requires approval through a new application.

Renewal Fees: The City of Grand Meadow may charge a renewal fee for the registration starting at the second renewal, as established in The City of Grand Meadow's fee schedule.

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

- A. Items required under 115.57 of this Ordinance.
- B. Disclosure of any zoning or land use violations, and any misdemeanor or felony convictions.

The City of Grand Meadow shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license provided The City of Grand Meadow receives the application 30 days prior to OCM renewal date.

A state-licensed cannabis retail business shall apply to renew registration on a form established by The City of Grand Meadow.

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

115.28 SUSPENSION OF REGISTRATION

- A. **When Suspension is Warranted:** The City of Grand Meadow may suspend a cannabis retail business's registration if it violates the ordinance of The City of Grand Meadow or poses an immediate threat to the health or safety of the public. The City of Grand Meadow shall immediately notify the cannabis retail business in writing the grounds for the suspension.
- B. **Notification to OCM.:** The City of Grand Meadow shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide The City of Grand Meadow and cannabis business retailer a response to the complaint within seven

calendar days and perform any necessary inspections within 30 calendar days.

- C. 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 business may not make sales to customers if their registration is suspended. The City of Grand Meadow may wait for a determination from OCM before reinstating a registration.

The City of Grand Meadow may reinstate a registration if it determines that the violations have been resolved.

The City of Grand Meadow shall reinstate a registration if OCM determines that the violation(s) have been resolved.

- D. Civil Penalties: Subject to Minn. Stat. 342.22, subd. 5(e) The City of Grand Meadow may impose a civil penalty, as specified in the City of Grand Meadow's Fee Schedule, for registration violations, not to exceed \$2,000.

115.29 LIMITING OF REGISTRATIONS

The City of Grand Meadow shall limit the number of cannabis retail businesses to no fewer than one registration for every 12,500 residents within The City of Grand Meadow. If the City has one active cannabis retail businesses registration for every 12,500 residents, the City shall not be required to register additional state-licensed cannabis retail businesses.

REQUIREMENTS FOR CANNABIS BUSINESSES

115.30 MINIMUM BUFFER REQUIREMENTS

The City of Grand Meadow shall implement a 100 ft buffer between the property line of any protected use (see Definitions, Section 115.05) and the building that houses any licensed Cannabis business, including grow houses, retail locations, trucking/transportation storage, etc. The buffer distance shall be measured from the property line of the protected use to the building that houses the cannabis use.

- A. The City of Grand Meadow shall prohibit the operation of a cannabis business within 100 feet of a school.
- B. The City of Grand Meadow shall prohibit the operation of a cannabis business within 100 feet of a daycare.
- C. The City of Grand Meadow shall prohibit the operation of a cannabis business within 100 feet of a residential treatment facility.
- D. The City of Grand Meadow shall prohibit the operation of a cannabis business within 100 feet of an attraction within a public property that is regularly used by minors, including a playground or athletic field.

Pursuant to Minn. Stat. 462.367 subd. 14, nothing in Section 115.30 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.

115.31 ZONING AND LAND USE

Any use that is not listed as allowed or permitted in a zoning district is considered prohibited in that zoning district. In zoning districts where the use is allowed, Cannabis businesses are still required to register the use with The City of Grand Meadow, and Zoning Permits may be required for the construction or modification of any associated facilities.

A. Cultivation.

Cannabis businesses licensed or endorsed for cultivation are permitted as a Conditionally Permitted Use in the following zoning districts:

- Industrial Zoning District

B. Cannabis Manufacturer.

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a Conditionally Permitted Use in the following zoning districts:

- Industrial Zoning District

C. Hemp Manufacturer.

Businesses licensed or endorsed for low-potency hemp edible manufacturers permitted as a Conditionally Permitted Use in the following zoning districts:

- Industrial Zoning District

D. Wholesale.

Cannabis businesses licensed or endorsed for wholesale are permitted as a Conditionally Permitted Use in the following zoning districts:

- C-1 Central Business District
- C-2 Commercial District
- Industrial District

E. Cannabis Retail.

Cannabis businesses licensed or endorsed for cannabis retail are permitted as an Allowed use in the following zoning districts:

- C-1 Central Business District
- C-2 Commercial District

F. Cannabis businesses licensed or endorsed for cannabis on site consumption are permitted as a Conditionally Permitted Use in the following districts:

- C-1 Central Business District
- C-2 Commercial District

G. Cannabis Transportation. Cannabis businesses licensed or endorsed for transportation are permitted as a Conditionally Permitted Use in the following zoning districts:

- C-1 Central Business District
- C-2 Commercial District
- Industrial District

H. Cannabis Delivery. Cannabis businesses licensed or endorsed for delivery are permitted as a Conditionally Permitted Use in the following zoning districts:

- C-1 Central Business District
- C-2 Commercial District

- Industrial District

115.32 HOURS OF OPERATION

Cannabis businesses registered with The City of Grand Meadow are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 8 a.m. and 2 a.m. Monday - Saturday, 10 am – 2am Sunday.

115.33 ADVERTISING

Cannabis businesses may erect signage in accordance with The City of Grand Meadow's Sign Ordinance and the Zoning District the business (or sign) is located in.

TEMPORARY CANNABIS EVENTS

115.40 LICENSE REQUIRED FOR TEMPORARY CANNABIS EVENTS

A license or permit is required to be issued and approved by The City of Grand Meadow prior to holding a Temporary Cannabis Event. Mn Statute requires a Temporary Cannabis Event shall last no longer than four (4) days.

115.41 REGISTRATION AND APPLICATION PROCEDURE

A registration fee, as established in The City of Grand Meadow's fee schedule, shall be charged to applicants for Temporary Cannabis Events.

115.42 APPLICATION SUBMITTAL AND REVIEW

The City of Grand Meadow 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 City of Grand Meadow. Said form shall include, but is not limited to:
 - i. Full name of the property owner and applicant, if different;
 - ii. Address, email address, and telephone number of the applicant;
 - iii. A site map or drawing demonstrating areas of ingress and egress, parking, and identifying features such as vendor locations or entertainment stages.
- B. The applicant shall include with the form:
 - i. The application fee as required in Section 115.22;
 - ii. A copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

The application shall be submitted no later than 60 days before the proposed event to the City of Grand Meadow City Clerk, 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

Grand Meadow City Council 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:
 - i. Private Security is required
- F. A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.
- G. A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The City of Grand Meadow shall notify the applicant of the standards not met and basis for denial.

Temporary cannabis events shall only be held in zoning districts that allow for cannabis activity, and through Conditional Use Permits

The Grand Meadow City Council will have discretion to set hours for temporary cannabis events based on their location, proximity to neighbors, proposed activities, and similar considerations, as disclosed through the Conditional Use Permit process.

USE IN PUBLIC PLACES

115.50 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.