

AN ~~INTERIM~~ ORDINANCE OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY MINNESOTA ~~PROHIBITING-REGULATING~~ THE OPERATION OF CANNABIS BUSINESSES IN THE CITY UNDER MINN. STAT. §342.13 (e) AND ~~PROHIBITING REGULATING~~ THE OPERATION OF HEMP BUSINESSES IN THE CITY.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS DOES HEREBY ORDAIN AS FOLLOWS:

~~1413.01 Purpose. The purpose of this interim ordinance is to authorize studies to be conducted, protect the planning process, and protect the health, safety, and welfare of the City of Oak Park heights on the following bases and for the following reasons:~~

- ~~(1) The State of Minnesota passed the new Regulation of Adult Use Cannabis Law, Chapter 63 of Minnesota Session Law—2023, Regular Session (Statutes Chapter 342), much of which became effective as of August 1, 2023.~~
- ~~(2) The State of Minnesota’s new cannabis law established the Office of Cannabis Management tasked with issuing licenses for and regulating the operation of various types of cannabis businesses and hemp businesses.~~
- ~~(3) Statutes Chapter 342 does not include a specific date for the Office of Cannabis Management to begin issuing licenses to cannabis businesses and hemp businesses.~~
- ~~(4) Although the City of Oak Park Heights enacted a cannabinoid product licensing ordinance in 2022 pursuant to Minn. Stat. §151.72, the City does not currently permit or regulate the uses of Cannabis Businesses or Hemp Businesses as defined in the state’s new Chapter 342.~~

~~1413.02 Operation of Cannabis Businesses Prohibited:~~

- ~~A. Scope. Pursuant to Minnesota Statutes, Section 342.13(e) and 462.355 Subd. 4, an interim ordinance is hereby adopted authorizing the City to conduct studies regarding the impacts of cannabis businesses and hemp businesses to determine whether and what revisions to the Oak Park Heights City Code of Ordinances or other regulations on the time, place, and manner of cannabis business operations and hemp business operations are warranted for the purpose of protecting the planning process and the health, safety, and welfare of the citizens of Oak Park Heights.~~

~~B. Term. Pursuant to Minnesota Statutes, Section 342.13 (e), the operation of any cannabis businesses in the City of Oak Park Heights is prohibited by this Interim Ordinance from and after its passage and publication according to law and continuing until January 1, 2025.~~

~~Pursuant to Minnesota Statutes, Section 462.355, subdivision 4, the operation of any hemp businesses in the City of Oak Park Heights are prohibited by this Interim Ordinance from and after its passage and publication according to law and continuing for a period of twelve (12) months from the effective date of this ordinance or to the longest period permitted by law.~~

~~C. Penalties for Violation. Violation of any portion of this ordinance shall be a misdemeanor punishable by imprisonment for up to 90 days and a fine of \$1,000.00 or both, plus the costs of prosecution. Each day that a violation occurs shall be considered a separate offense. The City may enforce any provision of this ordinance by mandamus, injunction or any other appropriate civil remedy in any court of competent jurisdiction.~~

~~1413.03 Effective Date. This Ordinance shall take effect from and after its passage and publication as required by law.~~

1413.04 Registration of Cannabis Businesses and Hemp Businesses.

- A. No individual or entity may operate a cannabis retailer business or lower-potency hemp edible retailer business without first registering with the City.
- B. Any cannabis retailer business or lower-potency hemp retailer 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.

1413.05 Compliance Checks Prior to Retail Registration.

Prior to issuance of a registration, the City shall conduct a preliminary compliance check to ensure compliance with local ordinances.

1413.06 Registration and Application Procedure.

- A. Fees:
 - (1) A registration fee, as established in the city's fee schedule, shall be charged to applicants depending on the type of business license applied for.

- (2) The renewal registration fee shall be charged at the time of the second renewal and each subsequent renewal thereafter.

B. Application Submittal.

- (1) A registration shall be issued to a cannabis retailer business or lower-potency hemp edible retailer business that adheres to the requirements of Minn. Stat. 342.22.
- (2) An applicant for a registration shall fill out an application form. The application for a license under this section shall be made on a form supplied by the City Clerk; said form shall include, but is not limited to:
 - a). Full name of the property owner and the applicant;
 - b). Address, email address, and telephone number of the applicant;
 - c). The address and parcel ID for the property for which the retail registration is sought;
 - d). Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13; and
 - e). Such other information as the City shall require.
- (3) The applicant shall include with the form:
 - a). The application fee as required in Section 1413.05.A of this ordinance;
 - b). A copy of a valid state license or written notice of OCM license preapproval; and
 - c). Such other information as the City shall require.
- (4) 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 City Council for approval or denial.
- (5) The registration fee shall be non-refundable once processed.

C. Application Approval.

- (1) An application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
- (2) An application that meets the requirements of this ordinance shall be approved.

- D. Annual Compliance Checks. The Police Department shall complete compliance checks pursuant to Minn. Stat. 342.22, Subd. 4(b) and Minn. Stat. 342.24.
- E. Location Change. A cannabis retailer business or lower-potency hemp edible retailer business shall be required to submit a new application for registration under Section 1413.05.B of this ordinance if it seeks to move to a new location still within the legal boundaries of the city.
- F. Renewal of Registration.
- (1) An annual registration of a cannabis retailer business or a lower-potency hemp edible retailer business shall be renewed at the same time the OCM renews the cannabis retailer business or lower-potency hemp edible retailer business' license.
 - (2) A cannabis business or lower-potency hemp edible retailer business shall apply to renew registration on a form supplied by the City Clerk.
 - (3) A registration issued under this ordinance shall not be transferred.
- G. Renewal Fees. A renewal fee as established in the City's fee schedule shall be charged to applicants depending on the type of business license applied for starting at the second renewal.
- H. Renewal Application. The application for renewal of a registration shall include, but is not limited to:
- (1) Items required under Section 1413.05.B of this ordinance; and
 - (2) Such other information the City requires.
- I. Suspension of Registration.
- (1) When Suspension is Warranted. A registration may be suspended if it violates the City Code or poses an immediate threat to the health or safety of the public. The City will notify the cannabis retailer business or lower-potency edible retailer business in writing the grounds for suspension.
- J. Length of Suspension. The suspension of a registration may be for up to thirty (30) calendar days, unless the OCM suspends the license for a longer period. The business may not make sales to customers if their

registration is suspended. A registration may be reinstated if it is determined that the violations have been resolved.

1413.07 Civil Penalties. A civil penalty, as established in the City's Fee Schedule shall be charged for registration violations, up to \$2,000 for each violation.

1413.08 Limiting of Registrations. The City shall limit the number of cannabis retailer businesses to four.

1413.09 Temporary Cannabis Event Permit. A permit is required to be issued and approved by the City prior to holding a Temporary Cannabis Event.

A. Registration and Application Procedure.

(1) A registration fee, as established in the City's Fee Schedule shall be charged to applicants for Temporary Cannabis Events.

(2) Application Submittal and Review:

a). An applicant for a License or Permit shall fill out an application form. The application for a License or Permit under this subsection shall be made on a form supplied by the City Clerk, said form shall include but is not limited to:

- 1). Full name of the property owner and the applicant;
- 2). Address, email address, and telephone number of the applicant; and
- 3). Such other information as the City shall require.

b). The applicant shall include with the form:

- 1). The application fee as required in 1413.09.A.1 within this ordinance; and
- 2). A copy of the OCM cannabis event license application, submitted pursuant to Minn. Stat. 342.39, Subd. 2.

c). The application shall be submitted to the City Clerk, or other designee for review. If the City Clerk or designee determines that the submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

d). Once an application is considered complete, the City Clerk or designee shall inform the applicant as such, process the

application fees, and forward the application to the City Council for approval or denial.

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

(3) A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved. A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The City Clerk shall notify the applicant of the standards not met and basis for denial.

B. On-Site Consumption. On-Site consumption of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or any combination of those items is prohibited.

C. Hours of Operation. Temporary Cannabis Events shall only be held between the hours of 10:00 a.m. and 9:00 p.m.

D. Location. Temporary Cannabis Events shall only be held indoors.

1413.10 Effective Date. This Ordinance shall take effect from and after its passage and publication as required by law.

Sections 1413.01 – 1413.03 Adopted by the City Council on August 8, 2023

Sections 1413.04 – 1413.10 Adopted by the City Council on November 26, 2024