

ORDINANCE 26-150

Introduced by Councilor

**AN ORDINANCE AMENDING CHAPTER 5 CANNABIS PRODUCTS – ARTICLE I. -  
ADMINISTRATION**

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

Chapter 5 Cannabis Products, Article I. Administration is hereby amended to read as follows:

**Sec. 5.001. Findings and purpose.**

The City of Albert Lea makes the following legislative findings:

The purpose of this chapter is to implement the provisions of Minn. Stats. §342, which authorizes the city to protect the public health, safety, and welfare of the city residents by regulating cannabis businesses within the legal jurisdiction of the city.

The city finds and concludes that the proposed provisions are appropriate and lawful regulations for the city. The proposed amendments will promote the community's interest in reasonable stability in cannabis administration, and the proposed provisions are in the public interest and for the public good.

**Sec. 5.002. Authority and jurisdiction.**

The city has the authority to adopt this chapter pursuant to:

- (1) Minn. Stats. § 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions on 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.
- (2) Minn. Stats. § 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- (3) Minn. Stats. § 152.0263, subd. 5, regarding the use of cannabis in public places.
- (4) Minn. Stats. § 462.357, regarding the authority of a local authority to adopt zoning ordinances.

Ordinance shall be applicable to the legal jurisdiction of the City of Albert Lea.

**Sec. 5.003. Severability.**

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

**Sec. 5.004. Enforcement.**

The city is responsible for the administration and enforcement of this chapter. Any violation of the provisions of this chapter or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this chapter can occur regardless of whether or not a permit is required for a regulated activity listed in this chapter.

**Sec. 5.005. Zoning and land use.**

Refer to Chapter 50 within the municipal code for all zoning requirements for licensed cannabis related businesses and services. Qualification on meeting setback requirements shall be determined as of the date of original application submittal to the State.

**Sec. 5.006. Definitions.**

Unless otherwise noted in this section, words and phrases contained in Minn. Stats. § 342. and the rules promulgated pursuant to any of these acts shall have the same meanings in this chapter.

*Cannabis cultivation* means 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 event organizer* means a person, cooperative, or business holding a cannabis event organizer license with the Office of Cannabis Management (OCM) or the "office".

*Cannabis retail businesses* mean a retail location and the retail location(s) of a mezzobusiness with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers.

*Cannabis retailer* means any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis products to a consumer and not for the purpose of resale in any form.

*Daycare* means 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 twenty-four (24) hour day.

*Intoxicating cannabinoid* means a cannabinoid, including an artificially derived cannabinoid, that when introduced into the human body impairs the central nervous system or impairs the human auditory, visual, or mental processes. Intoxicating cannabinoids include, but are not limited to, any tetrahydrocannabinol.

*Lower-potency hemp edible (LPHE)* shall mean as defined under Minn. Stats. § 342.

*Office of cannabis management* means the Minnesota Office of Cannabis Management, referred to as "OCM" in this section.

*Ownership* means any person or entity holding a financial interest of ten percent (10%) or more in a cannabis business, or exercising control over the operations, management, or decision-making of the business. Ownership includes, but is not limited to:

- Individuals or entities listed on the business's formation documents (e.g., articles of incorporation, operating agreements).
- Persons with authority to direct, manage, or influence day-to-day operations.
- Shareholders, members, partners, or other stakeholders with voting rights or profit-sharing interests.
- Any person or entity that will assume such roles through a proposed transfer, sale, or restructuring.

The city may consider indirect ownership or control, such as through trusts, holding companies, or contractual arrangements, as ownership subject to licensing requirements.

*Place of public accommodation* means 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* means OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stats. § 342.17.

*Public place* means 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* shall mean as defined under Minn. Stats. § 245.462 subd. 23.

*Retail registration* means an approved registration issued by the city to a state-licensed cannabis retail business.

*School* means a public school as defined under Minn. Stats. § 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stats. § 120A.24.

*State license* means an approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

**Secs. 5.007—50.020. Reserved.**

## **ARTICLE II. REGISTRATION OF ALL CANNABIS BUSINESSES**

### **Sec. 5.021. Consent to the registration of cannabis businesses.**

- (a) No individual or entity may operate a state-licensed cannabis business within the City of Albert Lea without first registering with the City of Albert Lea.

- (b) 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 two thousand dollars (\$2,000.00) for each violation.

**Sec. 5.022. Compliance checks prior to retail registration.**

- (a) Prior to issuance of a cannabis retail business registration, the City of Albert Lea shall conduct a preliminary compliance check to ensure compliance with local ordinances and state laws.
- (b) Pursuant to Minn. Stats. §342, within thirty (30) days of receiving a copy of a state license application from OCM, the City of Albert Lea 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.

**Sec. 5.023 – Premises Covered by Registration**

Unless otherwise authorized by this Code, the registration for the business is only effective for the compact and contiguous space specified in the approved registration application.

**Sec. 5.024. Prohibited Acts.**

The owner or operator of a registered business is responsible for the conduct of their place of business and the conditions of order in it. The act of an employee of the premises is deemed the act of the owner or operator as well, and the owner or operator is responsible for all penalties provided by this chapter equally with the employee.

- a) It shall be unlawful for any person to sell, purchase, obtain or otherwise provide any product to any person under the age of twenty-one (21), including cannabinoids derived from hemp.
- b) It shall be unlawful for any person under the age of twenty-one (21), to possess any product. This chapter shall not apply to persons under the age of twenty-one (21) lawfully involved in a compliance check, including cannabinoids derived from hemp.
- c) It shall be unlawful for any person under the age of twenty-one (21) to use or consume any product unless it is legally authorized medical cannabis.
- d) It shall be unlawful for any person under the age of twenty-one (21) to attempt to disguise the person's true age by the use of a false form of identification, whether the identification is that of another person or one in which the age of the person has been modified or tampered with, to represent an age older than the actual age of the person, to purchase any product.
- e) No product may be sold to an obviously intoxicated person or to a person under the influence of a controlled substance.
- f) No one under the age of twenty-one (21) shall sell products.
- g) Products cannot be sold in vending machines, through a drive-through window or as part of a home occupation.

- h) On-site consumption is prohibited at lower-potency hemp edible retail and cannabis retail businesses, except for lower-potency hemp products that are consumed as a beverage at an on-sale liquor establishment.
- i) It shall be unlawful to sell, purchase, obtain, possess, or provide products with Delta-10 THC.
- j) No products shall be visible from the exterior of the building.

**Sec. 5.025. Registration and application procedure.**

(a) *Fees.*

- (1) The City of Albert Lea shall not charge an application fee.
- (2) A registration fee, as established in the City of Albert Lea's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.
- (3) Initial registration fees shall not exceed the permitted amount of an initial state license fee under Minn. Stats. § 342.11. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.
- (4) Any renewal retail registration fee imposed by the City of Albert Lea shall be charged at the time of the second renewal and each subsequent renewal thereafter.
- (5) Renewal registration fees shall not exceed the permitted amount of a renewal state license fee under Minn. Stats. § 342.11, whichever is less.

(b) *Application submittal.* The city shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stats. § 342.22.

- (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 the property owner and business owner (applicant), and business manager;
  - b. Address, email address, and telephone number of the owner, applicant, and manager;
  - 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. Stats. § 342.13; and
  - e. Acknowledgement that the applicant is aware of zoning and design requirements for their business and has access to such requirements online or shall be given a printed copy upon request.

- (2) The applicant shall include with the form:
    - a. The application and fee as required in this section;
    - b. A copy of a valid state license or official notice from the OCM that the license is preapproved; and
    - c. Proof of state-required insurance.
  - (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) Prior to applicant submittal, both the applicant and the property owner of applicants' place of business must be current on all state, county and local taxes and assessments.
  - (5) The application fee shall be non-refundable once received.
  - (6) The complete application shall be submitted 10 calendar days before the next Council meeting. If later than 10 days prior, the application shall be held over to the following Council meeting
  - (7) Once the maximum number of permitted cannabis retail establishments within the City has been reached, any additional cannabis retail applications received prior to reaching the maximum limit shall not be held or maintained on file for more than 30 days. Applications that remain pending after 30 days due to the unavailability of an open retail license shall be considered expired and will be closed without further action. Applicants may reapply when a retail license becomes available
- (c) *Application approval.*
- (1) 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 5.028.
  - (2) The City shall not accept incomplete, placeholder, or otherwise deficient cannabis registration applications. Submission of an application that does not meet all requirements established by this ordinance shall not constitute receipt of a complete application. It shall not trigger any statutory or regulatory timelines, including the 60-day action requirement. Only applications determined by the City to be complete in all respects shall be deemed officially received for purposes of commencing the review period.
  - (3) A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this chapter.
  - (4) Applicants for a state-licensed cannabis retail establishment shall demonstrate the capacity to effectively operate a retail business, as evidenced by prior experience, business plans, or other relevant documentation, including but not limited to financial

statements, communications showing employment acceptance, commitments from suppliers, and all other documents that demonstrate a readiness and ability to operate.

- (5) A state-licensed cannabis retail business application shall not be approved without first undergoing a background check.

The chief of police is responsible for the background checks prior to the city issuing a cannabis registration.

The applicant for a cannabis registration and its employees must provide the appropriate authority with the applicant's signed, written informed consent to conduct a background check. The city is authorized to query the Minnesota criminal history repository for records on the applicant. If the city conducts a national criminal history records check, the appropriate authority must obtain the applicant's fingerprints and forward them, along with the required fee, to the superintendent of the Bureau of Criminal Apprehension. The superintendent may exchange the fingerprints with the Federal Bureau of Investigation for purposes of obtaining the applicant's national criminal history record information. The superintendent shall return the results of the national criminal history records check to the appropriate authority for the purpose of determining if the applicant is qualified to receive a license.

- (6) No person shall transfer, assign, or otherwise change ownership of any cannabis business licensed under this ordinance without first obtaining written approval from the City. Before any change in ownership, whether direct or indirect, partial or complete, the proposed new owner(s) must submit a registration application to the City and receive formal approval. Any attempt to operate a cannabis business under new ownership without such approval shall constitute a violation of this ordinance and may result in suspension, revocation, or other enforcement actions as deemed appropriate by the City
- (7) Applications for cannabis retail business licenses will not be accepted if the number of issued licenses has reached the maximum permitted by this ordinance.

(d) *Annual Certification of Ownership.*

- (1) Each licensed cannabis business shall submit an annual certification affirming that no change in ownership, control interest, or management structure has occurred during the preceding calendar year. The certification shall be submitted on a form provided by the City.
- (2) As part of the annual certification, the City may require the licensee to provide documentation sufficient to verify the accuracy of the ownership statement. Such documentation may include, but is not limited to, federal and state tax returns, organization filings, updated capitalization tables, or other financial records demonstrating continuity of ownership.

- (3) Failure to submit the required certification of supporting documentation, or submission of false or misleading information, shall constitute a violation of this ordinance and may result in suspension, non-renewal, or revocation of the cannabis business license.

(e) *Annual compliance checks.*

- (1) The City of Albert Lea shall complete at a minimum one (1) compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under [Minn. Stats. § 342.22, subd. 4(b) and Minn. Stats. § 342.24] and this/these [chapter/section/ordinances].
  - (2) The city shall conduct at a minimum one (1) unannounced age verification compliance check at least once per calendar year. Age verification compliance checks shall involve persons at least seventeen (17) years of age but under the age of twenty-one (21) who, with the prior written consent of a parent or guardian if the person is under the age of eighteen (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.
  - (3) Any failures under this section shall be reported to the Office of Cannabis Management.
- (f) *Location change.* A state-licensed cannabis retail business shall be required to submit a new application for registration under this section if it seeks to move to a new location still within the legal boundaries of the City of Albert Lea.

**Sec. 5.026. Renewal of registration.**

- (a) The City of Albert Lea shall renew an annual registration of a state-licensed cannabis retail business substantially concurrent with OCM renewal of the cannabis retail business's license.
- (b) A state-licensed cannabis retail business shall apply to renew registration on a form established by the city.
- (c) Renewal fees. The city may charge a renewal fee for the registration starting at the second renewal, as established in the City of Albert Lea's fee schedule.
- (d) Renewal application. The application for renewal of a retail registration shall include, but is not limited to:
  - (1) Items required under section 5.043 of this chapter.
  - (2) Listing any prior violations of local ordinances in the past two (2) years with a brief explanation.

**Sec. 5.027. Suspension of registration.**

- (a) *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.

- (b) *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 (7) calendar days and perform any necessary inspections within thirty (30) calendar days.
- (c) *Length of suspension.* The suspension of a cannabis retail business registration may be for up to thirty (30) calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if its registration is suspended.

The city may reinstate a registration if it determines that the violations have been resolved.

- (d) *Civil penalties.* Subject to Minn. Stats. § 342.22, subd. 5(e) the city may impose a civil penalty, as specified in the city's fee schedule, for registration violations.

### **Sec. 5.028. Limiting registrations.**

The city shall limit the number of cannabis retailer businesses:

- (1) The City of Albert Lea shall limit the number of cannabis retail businesses to no fewer than one (1) registration for every twelve thousand five hundred (12,500) residents within the City of Albert Lea.
- (2) If the city has one (1) active cannabis retail business registration for every twelve thousand five hundred (12,500) residents, the city shall not be required to register additional state-licensed cannabis retail businesses.
- (3) The City of Albert Lea shall limit the number of cannabis retail businesses to four (4).
- (4) Approval of license registration for the relocation of an existing retail cannabis business within city boundaries shall not be counted as long as neither location is operational at the same time.
- (5) Applications shall not be accepted including application fees if the registration limit has been met.
- (6) Cannabis retail licenses are limited in City boundaries to one license registration per owner as defined in Section 5.006. No person may own more than one cannabis retail business within the city boundaries.

### **Sec. 5.029. Hours of operation.**

No cannabis retail business may operate outside the hours of:

- (1) 10:00 a.m. to 9:00 p.m. on Sundays;
- (2) 8:00 a.m. to 10:00 p.m. on Monday through Saturday;
- (3) And shall be closed:
  - a. All day Thanksgiving Day;

- b. After 8:00 p.m. on Christmas Eve, December 24;
- c. All day Christmas Day, December 25.

**Sec. 5.030. Rejection or Amendment of Application.**

The city may reject, return, or inquire for clarification on an application if it appears incomplete or inconsistent. In the event the application is rejected, returned, or held for correction and clarification, the application will not be considered officially submitted.

**Sec. 5.031. Denial and Revocation of Registration**

In addition to the Office of Cannabis Management’s list of disqualifications, the City may deny or revoke registration if:

- (1) The application violates local limitations on registrations.
- (2) The applicant is not operational 180 days after Council approval
- (3) The applicant has violated local ordinances or state laws related to cannabis business operations.
- (4) The applicant is past due on property taxes, assessments, or municipal utilities.
- (5) The applicant has successfully relocated their cannabis business, rendering the previous license non-compliant with registration restrictions.
- (6) Applicant has not met all requirements as outlined in Section 5.025.
- (7) Demonstrate the applicant’s inability and unwillingness to follow and uphold state and local laws.
- (8) There shall be no reasonable doubt as to the applicant’s ability to protect the public health, safety, and welfare of the city residents. Reasons for doubt include but are not limited to:
  - a. Displayed disregard towards public intoxication, serving minors or operating motor vehicles while intoxicated.
  - b. Displayed history or connection to a history of abuse, stalking, bullying, restraining order violations or other actions indicating strong potential for abuse by the applicant or on the applicant’s behalf.
  - c. Violation of zoning and code enforcement.
  - d. Maintaining a public nuisance through business management, property management or individual behavior.
  - e. Actions by the applicant that prompt legal protection of minors, the delinquency of minors, or other actions that may cause concern about the safety of minors.
  - f. History of debt collections and failure to pay taxes, utilities, bills, fines or other obligations.
  - g. Applicant who is not of good moral character and repute

**Sec. 5.032. Selection Criteria**

- (1) The City of Albert Lea will evaluate and register cannabis business applications *contingent upon submission of a complete application and full payment of all applicable fees. An application is deemed complete once all materials outlined in Section 5.025, including all required documentation, have been received and verified by the City.*
- (2) The applicant must not have a history in the last 24 months of being past due on property taxes, development agreements, local development loans, assessments, or municipal utilities.
- (3) The applicant is not in current violation of local ordinances or state laws
- (4) The City shall evaluate the application and approve if the application has not met the reasons for disqualification or rejection in Sections 5.030 and 5.031.
- (5) If there are more applicants than registration openings under Section 5.028, the City may make a qualitative decision based on demonstrable and greater ability to operate without violation of local and state laws.

**Secs. 5.033—5.040. Reserved.**

**ARTICLE III. LOWER-POTENCY HEMP PRODUCTS**

**Sec. 5.041. Low-potency hemp retail.**

The sale of low-potency products, as regulated by state statute and licensed by the Office of Cannabis Management, requires a state license and a local retail registration

- (1) A state-licensed low-potency hemp retail business shall apply to renew registration on a form established by the city.
- (2) A low-potency retail registration issued under this section shall not be transferred.
- (3) The city may charge a fee for the registration, as established in the City of Albert Lea's fee schedule.

**Sec. 5.042. Zoning and land use.**

Retail sales of low-potency cannabis products cannot exceed more than five (5) percent of the retail products available as measured by existing utilized shelf or display space, to not be classified as cannabis retail for zoning purposes only. Refer to chapter 50 within the municipal code for all zoning requirements for licensed cannabis cultivation, retail, wholesale, manufacturing or services.

**Sec. 5.043. Additional standards.**

- (a) *Sales within liquor store.* The sale of low-potency edibles and hemp beverages are permitted in off-sale liquor stores.

- (b) *Age requirements.* The sale of low-potency edibles and hemp beverages is permitted without internal display restrictions in places that admit only persons twenty-one (21) years of age or older.
- (c) *Under twenty-one (21) beverage display.* In permitted locations without age restrictions, low-potency hemp beverages shall be sold from cases and displays designated as twenty-one (21) years and older.
- (d) *Under twenty-one (21) edible display.* In permitted locations without age restrictions, low-potency edibles shall be sold behind a counter and stored in a locked case at non cannabis retail licensed establishments.

**Secs. 5.044—5.060. Reserved.**

#### **ARTICLE IV. TEMPORARY CANNABIS EVENTS**

##### **Sec. 5.061. State license required.**

- (a) A cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four (4) days. Before obtaining a local license and events permit, a license holder must show proof of a current state license as a cannabis event organizer.
- (b) A license or permit is required to be issued and approved by the city before holding a temporary cannabis event that will sell or allow intoxicating cannabinoid products.

##### **Sec. 5.062. Registration and application procedure.**

All events require a minimum of thirty (30) days' notice to review event plans for compliance with Minn. Stats. § 342.40. Any application less than thirty (30) days' notice shall be automatically rejected. Each event shall have a fee charged to the cannabis event organizer only. The rate shall be established in the city's fee schedule.

Applicants shall provide, but may not be limited to provide the following:

- (1) Plans for security to general public safety, security for cannabis workers, security of intoxicating cannabinoid product displays, and storage security of intoxicating cannabinoid products.
- (2) Plans on how to restrict access to intoxicating products to minors and verify age at the time of sale.
- (3) Plans on how waste will be disposed of properly.
- (4) Details on how sales take place in an established retail space and how sales are recorded for tax collection.

- (5) Full list of all vendors with a brief explanation of what they are providing/selling, and their license number/information.

**Sec. 5.063. 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. Said form shall include, but is not limited to:
  - a. Full name of the property owner and business owner (applicant), and business manager; and
  - b. Address, email address, and telephone number of the owner, applicant, and manager.
- (2) The applicant shall include with the form:
  - a. The application fee as required in section 5.062;
  - b. A copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.;
  - c. Copies of plans, vendor lists, and other documents meeting the standards in section 5.062; and
  - d. Proof of state-required insurance.

The application shall be submitted to the city designee for review no less than thirty (30) days before the event. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with a notice of deficiencies.
- (3) Once an application is considered complete, the designee 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.

**A temporary cannabis event shall comply with the following standards:**

- a. The event organizer and all participating vendors must be current on all state, county, and local taxes, including but not limited to sales tax.
- b. The event organizer and all participating vendors shall have no prior violations of this chapter, nor any prior violations related to the sale of intoxicating cannabinoids, tobacco, or alcohol to a minor.

**Denial of Temporary Cannabis Event Request**

A request for a temporary cannabis event that does not meet the requirements of this section shall be denied. If an individual vendor has a documented history of noncompliance with the

standards of this chapter, that vendor may be denied participation without requiring denial of the entire event. The City shall provide written notice to the applicant identifying the unmet standards and the basis for denial.

## **Consumption Restrictions**

### **A. General Restrictions**

1. Cannabis consumption is permitted only within the designated event area approved by the City.
2. Consumption outside the designated area, including sidewalks, parking lots, public rights-of-way, and adjacent businesses, is prohibited.
3. All consumption must comply with Minnesota Statutes Chapter 342, including restrictions on public consumption and impairment.

### **B. Smoking and Vaping Restrictions**

1. Smoking or vaping cannabis is prohibited inside any enclosed building unless the structure qualifies for an exemption under the Minnesota Clean Indoor Air Act.
2. Outdoor smoking or vaping areas shall:
  - Be clearly marked and physically separated from non-consumption areas
  - Maintain adequate ventilation and odor-mitigation measures
  - Be located at least 25 feet from building entrances, operable windows, or air intakes
3. Event organizers shall implement reasonable odor-control practices to prevent nuisance conditions affecting nearby properties.

### **C. Edible and Beverage Consumption**

1. Edible cannabis products and cannabis beverages may be consumed only within the designated event area.
2. No edible or beverage cannabis product may exceed state-regulated serving sizes or packaging requirements.

### **D. Impairment and Overconsumption**

1. Event staff shall monitor attendees for signs of impairment and must refuse entry or continued participation to any individual who appears excessively intoxicated.
2. No person may operate a motor vehicle after consuming cannabis at the event in violation of Minnesota DWI laws. Event organizers shall promote safe transportation options.

### **E. Prohibited Conduct**

The following activities are strictly prohibited at all cannabis events:

- Providing or distributing cannabis to any person under 21
- Consumption by event staff while on duty
- Consumption by vendors or contractors unless off duty and outside restricted areas
- Any cannabis sales without a separate state-issued license
- Consumption in violation of state public-use restrictions

#### F. Private Event Exceptions

For private cannabis events not open to the public:

1. Consumption must occur only within the designated private event area.
  2. Smoking or vaping indoors remains prohibited unless the location qualifies for an exemption under state law.
  3. Private events shall not create odors, noise, or other nuisances detectable beyond the property line.
- (6) A request for a temporary cannabis event that does not meet the requirements of this section shall be denied. If a vendor has a history of not complying with the standards of this chapter, that vendor may be denied participation without full denial of the event. The city shall notify the applicant of the standards not met and the basis for denial.
- (7) Temporary cannabis events may only be held at:
- a. Convention centers;
  - b. Fairgrounds;
  - c. Non-residential private property that meets setback and zoning requirements;
  - d. Locations of registered cannabis businesses; and
  - e. All other locations must have pre-approved city council approval.
- (8) Temporary cannabis events shall only be held between the hours of:
- a. 10:00 a.m. to 9:00 p.m. on Sundays;
  - b. 8:00 a.m. to 10:00 p.m. on Monday through Saturday;
- (9) Temporary cannabis events shall not be held the following days:
- a. January 1<sup>st</sup>.
  - b. July 3<sup>rd</sup>.
  - c. July 4<sup>th</sup>.
  - d. Thanksgiving Day.

- e. December 24<sup>th</sup> .
- f. December 25<sup>th</sup> .
- g. December 31<sup>st</sup> .

**Secs. 5.064—5.080. Reserved.**

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor , and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Herman, Olson, Van Beek, Anderson, and Mayor Murray;

And the following voted against the same: None. Mayor Murray declared the ordinance passed.

Introduced the first time on the 9<sup>th</sup> day of February, 2026

Introduced the second time on the 23<sup>rd</sup> day of February, 2026

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Mayor Rich Murray

Filed and attested this 24<sup>th</sup> day of February, 2026

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Secretary of the Council