

ORDINANCE NO. \_\_\_\_\_

CITY OF MARSHALL  
STATE OF MINNESOTA

AN ORDINANCE ESTABLISHING ~~LICENSING AND~~ REGISTRATION  
REQUIREMENTS FOR THE SALE OF INTOXICATING CANNABINOID PRODUCTS  
AND AMENDING THE CITY'S ZONING CODE TO ESTABLISH DISTANCE  
REQUIREMENTS FROM CERTAIN BUSINESSES AND PROHIBIT CERTAIN HOME  
OCCUPATIONS

The Common Council of the City of Marshall do ordain:

**SECTION 1.** City Code of Ordinances, Chapter 22, Businesses, is hereby amended by adding Article 22-VIII in its entirety as follows:

**Section 22-220 Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*CBD* means a compound of the cannabis plant known as cannabidiol.

*Intoxicating Hemp Product* means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid other than CBD in combination with food ingredients, ~~and~~ is not a drug, and meet the requirements to be sold under Minnesota Statutes, [§ 151.72](#). ~~This does not include any product intended to be consumed by combustion or vaporization of the product, by inhalation of smoke, aerosol, or vapor from the product or through injection or application to a mucus membrane or nonintact skin.~~ A product intended to only contain CBD but which may contain less than trace amounts of tetrahydrocannabinol (THC) as an unintended result of the manufacturing process is not considered an Intoxicating Hemp Product. ~~Intoxicating Hemp Product does not include any product intended to be consumed by combustion or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product or through injection or application to a mucus membrane or nonintact skin.~~

*Intoxicating Hemp Product Shop Business* means a business that sells Intoxicating Hemp Products ~~and derives more than 10% of its gross revenue from OR dedicates more than 10% of its retail space to the sale of Intoxicating Hemp Product~~ [at retail for off-site consumption](#).

*Licensed Premises* means the area from which an Intoxicating Hemp Product [Shop Business](#) sells Intoxicating Hemp Products and for an On-Site Intoxicating Hemp Product [Retailer Business](#) and Liquor Store shall mean the licensed premises pursuant to its license issued under Minnesota Statutes, [Chapter 340A](#).

*Liquor Store* means a business licensed pursuant to Minnesota Statutes, ~~section~~ [Chapter 340A](#) to sell alcoholic beverages in original packages for consumption off the licensed premises only.

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*Moveable place of business* means any form of business operated out of a truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions. Moveable Place of Business does not include On-Site Intoxicating Hemp Product Businesses selling Intoxicating Hemp Products at a location pursuant to a caterer's permit.

*On-Site Intoxicating Hemp Product ~~Retailer~~Business* a business with an on-sale liquor license pursuant to Minnesota Statutes, Chapter 340A and which sells Intoxicating Hemp Products that are intended to be consumed as a beverage, for on-site consumption.

*Sale* means any transfer of goods for money, trade, barter or other consideration.

*THC* means the chemical compound of the cannabis plant tetrahydrocannabinol.

### **Section 22-221 Purpose**

~~Because the~~The city recognizes that ~~persons under the age of 21 years may purchase or otherwise obtain, possess and use Intoxicating Hemp Products which contain~~the sale of certain products containing the psychoactive cannabis compound THC; ~~and the sale of these products to persons under 21 years of age are violations of state and federal laws; and because the use of Intoxicating Hemp Product products by those underage subsequently places a financial~~ is legal when those sales are to individuals 21 years of age or older, and that the increase of these types of products in the community increases the likelihood that youth will have access to and use products containing THC. The use of those products by individuals under the age of 21 places a burden on all levels of government, resulting in financial and other public resources being needed to address both violations of laws and regulations regarding such use, including the impacts on health . The purpose of this chapter is ~~intended~~ to regulate the sale of ~~Intoxicating Hemp Products~~products containing THC for the purpose of enforcing and ~~furthering~~further existing laws and regulations.

### **Section 22-222 ~~License or~~ Registration Required**

~~Before making retail sales of~~Businesses may only sell Intoxicating Hemp Products to customers, ~~an On-Site Intoxicating Hemp Product Retailer must register with the city for on-site or off-site consumption, if one of the following three conditions apply:~~

- (a) For on-site consumption, an On-Site Intoxicating Hemp Product Business must be registered with the city before making sales to customers and must have an active on-sale liquor license pursuant to Minnesota Statutes Chapter 340A.
- (b) ~~Before making retail sales of Intoxicating Hemp Products to customers~~For off-site consumption, an Intoxicating Hemp Products ~~Shop~~Business must ~~obtain a license from~~be registered with the city before making sales to customers.
- (c) No city-issued ~~license or~~ registration is required for a business selling medical cannabis as part of the Minnesota's Medical Cannabis Program described in Minnesota Statutes, ~~section~~§§ 152.22 to 152.37 or for a Liquor Store.

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### **Section 22-223 Registration Application and General Information**

- (a) General Application Information – Both On-Site Intoxicating Hemp Product ~~Retailers~~ Businesses and Intoxicating Hemp Product Businesses must submit the following to the City:
- (1) Complete registration form, including confirmation that the business is registered with the Minnesota Department of Health ~~and must complete and submit the city's registration form.~~
  - (2) ~~On-Site Intoxicating Hemp Product Retailers must submit a~~ registration fee, which shall be established pursuant to City Council resolution or City Council Fee Schedule.
- (b) Additional On-Site Intoxicating Hemp Product Business Application Information – In addition to the application information contained in §22-223 (a), On-Site Intoxicating Hemp Product Businesses must also submit confirmation that the premises has an on-sale liquor license issued pursuant to Minnesota Statutes, Chapter 340A.
- (c) No Moveable Place of Business – No Intoxicating Hemp Moveable Place of Business is allowed and, as a result, no registration will be issued for a Moveable Place of Business.
- (d) Term – Registrations are valid for a term of one year from the date they are issued by the City. Businesses renewing their registration must submit a renewal fee at the time of renewal.
- (e) Registration Conditions – Registrants are subject to the performance standards and penalties in §§ ~~22-241—22-248~~ 22-224 - 22-234. Violation of any of the applicable provisions of this chapter is considered a violation of City Code and may result in criminal penalties, administrative fines or the City revoking a registration.

### **Section 22-224 Zoning Requirements**

No ~~license or~~ registration issued under this Chapter shall be granted until all applicable zoning requirements are met or until all conditions for approval of the use have been satisfied.

### **Section 22-225 Limit on ~~licenses;~~ registrations**

- (a) ~~Intoxicating Hemp Product Shop. No more than two (2) licenses shall be issued to businesses meeting or exceeding the definition of Intoxicating Hemp Products Shop at any one time. In the event that more than two applications are submitted at the same time, then a point system shall be used to determine which businesses are issued the two (2) licenses, with one point for each of the criteria below:~~
- (a) Intoxicating Hemp Product Business. The City has not established a limit on the number of Intoxicating Hemp Product Business registrations.
- ~~1. It is an existing business that has been established at the location for more than 6 months or it is a business applying for a renewal application.~~
  - ~~2. The establishment location is a legal conforming use.~~
  - ~~3. The applicant/owner is a Marshall resident~~
  - ~~4. The applicant is a member of a historically disadvantaged community~~

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~~5. A completed application was submitted that complies with all information required and fees paid.~~

~~The two applications with the highest number of points shall be issued a license. In case of a tie, the licenses shall be determined through a drawing by the Mayor.~~

- (b) ~~On-Site Intoxication Hemp Product Retailers. No more than \_\_\_\_\_ registrations will be issued to Businesses. The City has not established a limit on the number of On-Site Intoxicating Hemp Products Retailers~~ Product Business registrations other than requiring these businesses to have up-to-date on-sale liquor license.

### **Section 22-226 Applications**

~~An application for a license shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, a copy of the educational materials the applicant uses to educate employees as part of its instructional program, and any additional information the city deems necessary. Upon receipt of a completed application, the city clerk shall forward the application to the council for action at its next regularly scheduled council meeting. If the city clerk shall determine that an application is incomplete, he shall return the application to the applicant with notice of the information necessary to make the application complete.~~

### **Section 22-227 Investigation**

~~For all new or renewal applications a Criminal History License Background Check must be conducted pursuant to City Code, section 2-60. If more than one background investigation is required, the applicant shall pay a background investigation fee for each background investigation conducted. For applicants who have an existing license and wants to add an additional location at any time other than annual renewal, a background investigation will be required.~~

~~For applicants who are applying for a license for more than one location, only one background investigation and background investigation fee shall be required.~~

### **Section 22-228 Approval Or Denial**

~~The council may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application, or the applicant, it deems necessary. If the council shall approve the license, the city clerk shall issue the license to the applicant. If the council denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the council's decision.~~

### **Section 22-229 Basis For Denial**

~~The following shall be grounds for denying the issuance or renewal of a license under this article; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the city must deny the license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this article.~~

- (a) ~~The applicant is under the age of 21 years.~~

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- ~~(b) The applicant has been convicted within the past five years of any violation of a federal, state or local law, ordinance provision, or other regulation relating to Intoxicating Hemp Products.~~
- ~~(c) The applicant has had a license to sell Intoxicating Hemp Products revoked within the preceding 12 months of the date of application.~~
- ~~(d) The applicant fails to provide any information required on the application, or provides false or misleading information.~~
- ~~(e) The applicant is prohibited by federal, state or other local law, ordinance or other regulation, from holding such a license.~~

### **Section 22-230 Movable Place Of Business**

~~No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this article.~~

### **Section 22-231 Eligible Locations**

~~Licenses shall only be issued to municipal liquor stores or businesses meeting the definition of an Intoxicating Hemp Product Shop.~~

### **Section 22-232 Fees**

~~No license shall be issued under this article until the appropriate license fee shall be established pursuant to a resolution of the city council. No licenses shall be issued until the fee is paid in full.~~

### **Section 22-233 Term**

~~All licenses issued under this article shall be valid for the calendar year of which they are issued for. There shall be no proration of any application fees under this article.~~

### **Section 22-234 Renewals**

~~The renewal of a license issued under this article shall be handled in the same manner as the original application. The request for a renewal shall be made at least 45 days before the expiration of the current license. The issuance of a license issued under this article shall be considered a privilege and not an absolute right of the applicant, and shall not entitle the holder to an automatic renewal of the license.~~

### **Section 22-235 Transfers**

~~All licenses issued under this article shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the council.~~

### **Section 22-236 Revocation**

~~Any licensee who violates this article, or commits an illegal act pursuant to this article, shall have their license revoked by the city.~~

### **Section 22-237 Instructional Program**

~~No person shall be issued a license or renewal license to sell licensed products unless an applicant or licensee has a program for instructing all employees regarding the legal requirements pertaining to the sale of Intoxicating Hemp Products at the retail establishment for which the license was issued. The instructional program shall include, but is not limited to, reviewing the law on the sale~~

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~~of Intoxicating Hemp Products, requiring employees to request identification from every customer who is under 27 years of age, providing information that the sale of Intoxicating Hemp Products to anyone under 21 is illegal, explaining what kind of proof of age is legally acceptable, and that a sale to a person below the legal sales age can subject the applicant or licensee and its employees to criminal and/or civil liability.~~

### **Section 22-238 Display**

~~All licenses shall be posted and displayed in plain view of the general public on the licensed premise.~~

### **Section 22-239 Signage.**

~~Notice of the legal sales age and age verification requirements must be posted at each location where Intoxicating Hemp Products are offered for sale. The required signage, which shall be provided to the licensee by the city, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.~~

### **Section 22-240 Age verification device and digital security video**

~~All license holders shall be required to install or possess age verification devices and digital security video at the licensed location. The Police Department shall confirm that the devices have been installed prior to approval of the license.~~

### **Section 22-241 Responsibility****Section 22-226 Responsibility**

All ~~licensees and~~ registrants under this article shall be responsible for the actions of their employees in regard to the sale of Intoxicating Hemp Products ~~on the licensed premises~~, and the sale of such an item by an employee shall be considered a sale by the ~~license holder or~~ registrant. Nothing in this article shall be construed as prohibiting the city from also subjecting the ~~licensee or~~ registrant to whatever penalties are appropriate under this article, state or federal law, or other applicable law or regulation.

### **Section 22-242 Compliance Checks And Inspections****Section 22-227 Compliance Checks And Inspections**

All ~~licensed~~**On-Site Intoxicating Hemp Businesses and Intoxicating Hemp Product Businesses** premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging individuals over the age of 17 years old but less than 21 years old, to enter the ~~licensed~~ premises to attempt to purchase Intoxicating Hemp Products. Prior written parental or guardian consent is required for any person under the age of 18 who participates in a compliance check. Individuals used for the purpose of compliance checks shall be supervised by city designated law enforcement officers or other designated city personnel. Individuals used for compliance checks shall not be guilty of unlawful possession of Intoxicating Hemp Products when such items are obtained as a part of the compliance check. No individual used in compliance checks shall attempt to use a false identification misrepresenting the individual's age, and all individuals lawfully engaged in a compliance check shall answer all questions about the individual's age asked by the ~~licensee, registrant,~~ or their employee, and shall produce any identification, if any exists, for which they are asked. Nothing in this article shall prohibit compliance checks authorized by state or federal laws for educational, research or training purposes, or required for the enforcement of a particular state or federal law.

### **Section 22-243 Prohibited Sales****Section 22-228 Prohibited Sales**

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It shall be a violation of this article for any person to sell or offer to sell any Intoxicating Hemp Product:

- (a) Not meeting the requirements or by the means authorized in Minnesota Statutes, section 151.72 including, but not limited to:
  - 1. Age Verification – Minn. Stat. § 151.72, subd. 5c.
  - 2. Packaging, Labeling, and THC Limits – Minn. Stat. § 151.72, subd. 5a.
  - 3. Secured Storage and Sales - Minn. Stat. § 151.72, subd. 5a (h).
  - 4. Testing Requirements – Minn. Stat. § 151.72, subd. 4.
  - 5. Labeling Requirements - Minn. Stat. § 151.72, subd. 5.
- (b) To any person under the age of 21 years.
- (c) By any person under the age of 21 years.
- (d) For a nominal amount or by means of sampling.
- (e) By internet sales or delivery, unless the business utilizes an independent third-party age verification system.
- (f) By any other means, to any other person, or in any other manner or form prohibited by federal, state or other local law, ordinance provision, or other regulation.

**Section ~~22-244~~22-229 On-Site Intoxicating Hemp ~~Retailer~~Business Manufacturing**

~~(a) An On-Site Intoxicating Hemp Product Retailer meeting the requirements of Minnesota Statutes, section 151.72, subd. 3 (f) may sell Intoxicating Hemp Products intended to be consumed as a beverage for on-site consumption.~~

(a) ~~(b)~~ On-Site Intoxicating Hemp Product ~~Retailers~~Businesses may manufacture Intoxicating Hemp Products intended to be consumed as a beverage as an accessory use only at breweries and distilleries licensed as such under Minnesota Statutes, Chapter 340A, as long as the manufacturing process for the beverages does not involve the cannabis plant. For purposes of this Section, accessory use is defined to mean not accounting for more than 50% of the production of total product produced at the brewery or distillery. The transporting or distribution of such Intoxicating Hemp Products manufactured as an accessory use at a brewery or distillery to locations outside of the City also is allowed as part of the accessory use.

(b) ~~(e)~~ Intoxicating Hemp Products manufactured as described in ~~22-244~~22-229 ~~(ba)~~ may not be sold at retail for off-sale consumption by an On-Site Intoxicating Hemp Product ~~Retailer~~Business.

**Section 22-230 On-Site Intoxicating Hemp Business Registration Condition**

An On-Site Intoxicating Hemp Business registration will terminate, with no further action of the City, if the registrant’s on-sale liquor license expires, terminates, or is otherwise not effective.

**Section ~~22-245~~ Exceptions And Defenses**

**Section 22-231 Exceptions And Defenses**

Nothing in this article shall prevent the providing of Intoxicating Hemp Products to an individual under the age of 21 as part of a lawfully recognized religious, spiritual or cultural ceremony. It shall be an affirmative defense to the violation of this article for a person to have reasonably relied on proof of age as described by state law.

**Section ~~22-246~~22-232 Offenses Involving Individuals Under the Age of 21**

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- (a) *Illegal sales.* It shall be a violation of this article for any person to sell or otherwise provide any Intoxicating Hemp Product to any individual under the age of 21.
- (b) *Illegal possession.* It shall be a violation of this article for any individual under the age of 21 to have in [his](#)[their](#) possession any Intoxicating Hemp Product. This subsection shall not apply to individual under the age of 21 lawfully involved in a compliance check.
- (c) *Illegal use.* It shall be a violation of this article for any individual under the age of 21 to use any Intoxicating Hemp Product.
- (d) *Illegal procurement.* It shall be a violation of this article for any individual under the age of 21 to purchase or attempt to purchase or otherwise obtain any Intoxicating Hemp Product, and it shall be a violation of this article for any person to purchase or otherwise obtain such items on behalf of an individual under the age of 21. It shall further be a violation for any person to coerce or attempt to coerce an individual under the age of 21 to illegally purchase or otherwise obtain or use any Intoxicating Hemp Product. This subsection shall not apply to individual under the age of 21 lawfully involved in a compliance check.
- (e) *Use of false identification.* It shall be a violation of this article for any individual under the age of 21 to attempt to disguise [his](#)[their](#) true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

**~~Section 22-247 Violations~~[Section 22-233 Violations](#)**

- (a) *Notice.* Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of [his](#)[their](#) right to be heard on the accusation.
- (b) *Hearings.* If a person accused of violating this article so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.
- (c) *Hearing officer.* The hearing officer for any violations of this article shall be the city administrator or a person duly designated by the city administrator.
- (d) *Decision.* If the hearing officer determines that a violation of this article did occur, that decision, along with the hearing officer's reasons for finding a violation, and the penalty to be imposed for a violation of this article, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.
- (e) *Appeals.* Appeals of any decision made by the hearing officer shall be filed in the district court for the city.
- (f) *Misdemeanor prosecution.* Nothing in this article shall prohibit the city from seeking prosecution as a misdemeanor for any alleged violation of this article. If the city elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.
- (g) *Continued violation.* Each violation and every day in which a violation occurs or continues shall constitute a separate offense.

**~~Section 22-248 Penalties For Violation Of Article~~[Section 22-234 Penalties For Violation Of Article](#)**



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- (a) ~~Licensees, registrants~~Registrants and employees. Any ~~licensee or~~ registrant, and any employee of a ~~licensee or~~ registrant, found to have violated this article shall be charged an administrative fine of \$75.00 for a first violation of this article; \$200.00 for a second offense at the same ~~license~~ premises within a 24-month period; and \$250.00 for a third or subsequent offense at the same location within a 24-month period. In addition, after the third offense, the ~~license~~ shall be suspended for a period to be determined by council resolution. In addition to these administrative fines, the ~~license~~ may be suspended or the registration rescinded. Any expenses incurred by the city in appointing and conducting the hearing shall also be added to the administrative fine above stated.
- (b) *Other individuals.* Other individuals, other than minors regulated by this article, found to be in violation of this article by providing or selling to minors shall be charged an administrative fee of \$75.00.
- (c) *Possession Under 21.* Any individual under the age of 21 found in unlawful possession of, or who unlawfully purchases or attempts to purchase Intoxicating Hemp Product, shall be prosecuted as a misdemeanor.
- (d) *Misdemeanor.* Nothing in this article shall prohibit the city from seeking prosecution as a misdemeanor for any violation of this article.

**SECTION 2.** City Code of Ordinances, Chapter 86, Zoning, Article 86-50 Home Occupations and Businesses, is hereby amended by a new item to Section 86-50 (f) as follows:

All home occupations involving the following activities, even if formally compliant with subsection (b), are prohibited:

1. Any automotive related activity including, but not limited to, auto repair and detailing.
2. Any children related activity except those licensed by the State and individual lessons.
3. Any animal related activity including, but not limited to, kenneling and breeding, except household pet grooming.
4. Any funeral related activity including, but not limited to, mortuaries and embalming services.
5. Any activity involving commercial cooking, including, but not limited to, restaurants and cafes, except dessert making for private individual customers.
6. Any activity involving multiple garage sales.
7. Any illegal activity.
8. Any activity involving multiple guest assemblies except occasional home sale parties not scheduled on a regular basis.
9. Any activity involving tobacco or alcohol production or sale.
10. Any business licensed under Minnesota Statutes, Chapter 342 or for which a ~~license or~~ registration is required by City Code, § 22-222.

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**SECTION 3.** City Code of Ordinances, Chapter 86, Zoning, Article 86-102 B-1 Limited Business District is hereby amended by adding a new permitted use as follows:

Businesses requiring a ~~license or~~ registration under City Code, § 22-222. Businesses, except On-Site Intoxicating Hemp Product ~~Retailers~~Businesses, must be located at least:

- (1) ~~1,000~~500 feet, when measured in a straight line from the center of the primary building in which the establishment is located to the property line of a school, as defined in Minnesota Statutes, section 120A.22, subd. 4, excluding a home school, ~~and to the property line of the property in which the registered establishment is located. The primary building of each school is established in a map that will be published by the City.~~
- ~~(2) 1,000 feet, when measured in a straight line from the building in which the establishment is located to the property line of a building which houses an early childhood education program established pursuant to Minnesota Statutes, section 124D.13; and~~
- ~~(3) 500 feet when measured in a straight line from the building in which the establishment is located to the property line of a child day care facility, excluding in-home day child day care providers; and~~
- ~~(4) 500 feet when measured in a straight line from the building in which the establishment is located to the property line of a park or recreational facility.~~

**SECTION 4.** City Code of Ordinances, Chapter 86, Zoning, Article 86-103 B-2 Central Business District is hereby amended by adding a new permitted use as follows:

Businesses requiring a ~~license or~~ registration under City Code, § 22-222. Businesses, except On-Site Intoxicating Hemp Product ~~Retailers~~Businesses, must be located at least:

- (1) ~~1,000~~500 feet, when measured in a straight line from the center of the primary building in which the establishment is located to the property line of a school, as defined in Minnesota Statutes, section 120A.22, subd. 4, excluding a home school, ~~and to the property line of the property in which the registered establishment is located. The primary building of each school is established in a map that will be published by the City.~~
- ~~(2) 1,000 feet, when measured in a straight line from the building in which the establishment is located to the property line of a building which houses an early childhood education program established pursuant to Minnesota Statutes, section 124D.13; and~~
- ~~(3) 500 feet when measured in a straight line from the building in which the establishment is located to the property line of a child day care facility, excluding in-home day child day care providers; and~~
- ~~(4) 500 feet when measured in a straight line from the building in which the establishment is located to the property line of a park or recreational facility.~~

**SECTION 5.** City Code of Ordinances, Chapter 86, Zoning, Article 86-104 B-3 General Business District is hereby amended by adding a new permitted use as follows:

Businesses requiring a ~~license or~~ registration under City Code, § 22-222. Businesses, except On-Site Intoxicating Hemp Product ~~Retailers~~Businesses, must be located at least:

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- (1) ~~1,000~~500 feet, when measured in a straight line from the center of the primary building ~~in which the establishment is located to the property line~~ of a school, as defined in Minnesota Statutes, section 120A.22, subd. 4, excluding a home school, ~~and to the property line of the property in which the registered establishment is located. The primary building of each school is established in a map that will be published by the City.~~
- ~~(2) 1,000 feet, when measured in a straight line from the building in which the establishment is located to the property line of a building which houses an early childhood education program established pursuant to Minnesota Statutes, section 124D.13; and~~
- ~~(3) 500 feet when measured in a straight line from the building in which the establishment is located to the property line of a child day care facility, excluding in-home day child day care providers; and~~
- ~~(4) 500 feet when measured in a straight line from the building in which the establishment is located to the property line of a park or recreational facility.~~

**SECTION 6.** City Code of Ordinances, Chapter 86, Zoning, Article 86-105 B-4 Shopping Center Business District is hereby amended by adding a new permitted use as follows:

Businesses requiring a ~~license~~ or registration under City Code, § 22-222. Businesses, except On-Site Intoxicating Hemp Product ~~Retailers~~Businesses, must be located at least:

- (1) ~~1,000~~500 feet, when measured in a straight line from the center of the primary building ~~in which the establishment is located to the property line~~ of a school, as defined in Minnesota Statutes, section 120A.22, subd. 4, excluding a home school, ~~and to the property line of the property in which the registered establishment is located. The primary building of each school is established in a map that will be published by the City.~~
- ~~(2) 1,000 feet, when measured in a straight line from the building in which the establishment is located to the property line of a building which houses an early childhood education program established pursuant to Minnesota Statutes, section 124D.13; and~~
- ~~(3) 500 feet when measured in a straight line from the building in which the establishment is located to the property line of a child day care facility, excluding in-home day child day care providers; and~~
- ~~(4) 500 feet when measured in a straight line from the building in which the establishment is located to the property line of a park or recreational facility.~~

**SECTION 7. SUMMARY PUBLICATION.** Pursuant to Minn. Stat. § 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance requires a license or registration for the sale of all intoxicating hemp products and establishes certain performance standards surrounding the sale of such products. Only 2 intoxicating hemp product retailers (stores with more than 10% of retail floor space or 10% of its gross revenue from such products), will be allowed in the City.

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**SECTION 8. INTERIM ORDINANCE TERMINATION.** Upon the Effective Date of this Ordinance, \_\_\_\_\_ Interim Ordinance shall automatically terminate.

**SECTION 9. EFFECTIVE DATE.** This ordinance shall take effect following its passage and publication in accordance with state law.

<b>Summary report:</b>	
<b>Litera Compare for Word 11.7.0.54 Document comparison done on 4/22/2024 8:58:49 AM</b>	
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Embedded Excel	0
Format changes	0
<b>Total Changes:</b>	<b>300</b>