

**SPRING LAKE PARK  
ORDINANCE XX**

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

**SECTION 1:**            **REPEAL** “11.48 EDIBLE CANNABINOID PRODUCTS” of the Spring Lake Park Municipal Code is hereby repealed in its entirety.

**SECTION 2:**            **ADOPTION** “11.50 CANNABIS AND EDIBLE CANNABINOID PRODUCTS, AND DRUG PARAPHERNALIA” of the Spring Lake Park Municipal Code is hereby *added* as follows:

A D O P T I O N

11.50 CANNABIS AND EDIBLE CANNABINOID PRODUCTS, AND DRUG PARAPHERNALIA (*Added*)

**SECTION 3:**            **ADOPTION** “11.50.010 Purpose And Intent” of the Spring Lake Park Municipal Code is hereby *added* as follows:

A D O P T I O N

11.48.010 Purpose And Intent (*Added*)

In 2022, the Minnesota Legislature adopted M.S. § 151.72, making it legal to sell certain edibles and beverages infused with tetrahydrocannabinol (THC), the cannabis ingredient extracted from hemp. In 2023, the Minnesota Legislature approved 2023 Session Law Ch. 63, expanding both the legalization of types of THC and cannabis products and also the types of THC and Cannabis businesses permitted, and further making certain amendments to existing law related to the possession of drug paraphernalia. The City Council deems it necessary to provide for the regulation of these products in order to protect the public health safety and welfare and to ensure that the products are sold in accordance with State Law.

**SECTION 3:**            **ADOPTION** “11.50.020 Adoption Of State Law By Reference” of the Spring Lake Park Municipal Code is hereby *added* as follows:

A D O P T I O N

11.50.020 Adoption of State Law By Reference (*Added*)

The provisions of M.S. § 151.72 and M.S. Chapter 342, as each may be amended from time

to time, are hereby adopted by reference and are made a part of this section as if set out in full.

**SECTION 4:**            **ADOPTION** “11.50.030 Public Use of Cannabis and Edible Cannabinoids Prohibited” of the Spring Lake Park Municipal Code is hereby *added* as follows:

A D O P T I O N

11.50.030 Public Use of Cannabis and Edible Cannabinoids Prohibited (*Added*)

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

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

Any violation of this Section 11.50.030 shall be a petty misdemeanor.

**SECTION 5:**            **ADOPTION** “11.50.040 Limitations on the Sale of Edible Cannabinoid Products” of the Spring Lake Park Municipal Code is hereby *added* as follows:

A D O P T I O N

11.50.40 Limitations on the Sale of Edible Cannabinoid Products (*Added*)

Edible Cannabinoid Products, as defined by M.S. § 151.72, which contain no more than 0.3% Tetrahydrocannabinol (commonly known as “THC”), may only be sold by businesses which are registered with the City and the State of Minnesota and licensed, when required by state law. To be eligible to register to sell edible cannabinoid products within the City, an applicant must comply with all of the following:

- (a) Pay the applicable registration fee to the City; and
- (b) Comply with all state and local registration and state licensing requirements; and
- (c) Locate the principal place of business which will conduct the sales within the \_\_\_\_\_ zoning district and, at the time of the application, no more than one other business which does not qualify as a “Cannabis

Business” pursuant to M.S. Chapter 342 is currently registered or licensed to sell edible cannabinoid products within that district; and  
(d) The sale of edible cannabinoid products outside of the zoning districts or in excess of the applicable registration limitations set forth in Section 11.50.40(c) is prohibited.

The City specifically intends that the requirements of this Section be considered local zoning requirements or regulations for the purposes of compliance with M.S. Chapter 342.

Any person or principal of any business found to be engaging in unlawful commercial activity in violation of this Section shall be guilty of a misdemeanor.

**SECTION 6:**            **ADOPTION** “11.50.050 Possession of Drug Paraphernalia Prohibited” of the SpringLake Park Municipal Code is hereby *added* as follows:

It is unlawful for any person knowingly or intentionally to use or possess drug paraphernalia. For the purposes of this Section, drug paraphernalia is defined as all equipment, products, and materials of any kind, except those used in conjunction with permitted uses of controlled substances pursuant to state law, which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products, or (3) enhancing the effect of a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products.

“Drug paraphernalia” does not include the possession, manufacture, delivery, or sale of: (1) hypodermic syringes or needles or any instrument or implement which can be adapted for subcutaneous injections; or (2) products that detect the presence of fentanyl or a fentanyl analog in a controlled substance.

Any violation of this Section shall be a petty misdemeanor.

**SECTION 7:**            **AMENDMENT** “11.52.020(A) Criminal History License Background Investigations” of the Spring Lake Park Municipal Code is hereby *amended* as follows, by deleting the stricken language:

## A M E N D M E N T

### 11.52.020 Criminal History License Background Investigations

- A. The Police Department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for the following licenses within the city:
1. Peddlers, solicitors and transient merchants;
  2. Tobacco ~~or edible cannabinoid products~~;
  3. Intoxicating liquor;
  4. Wine and 3.2% malt;
  5. Liquor pawnbrokers;
  6. Second hand goods;
  7. Dealer vehicles for hire;
  8. Sauna;
  9. Massage services;
  10. Sexually oriented business;
  11. Lawful gambling premises;
  12. Permit bingo hall;
  13. Kennel license; and
  14. Used car dealership.

**SECTION 8:** The City Fee Schedule is hereby amended to establish the Lower-Potency Hemp Edible Retailer (Sale of Certain Edible Cannabinoids) application fee at \$125/year per retail location, an initial license fee of \$125/year per retail location, and a renewal license fee of \$125/year per retail location.

**SECTION 9:**            **EFFECTIVE DATE** This Ordinance shall be in full force and effect upon approval and publication according to law.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Councilmember Wendling	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Councilmember Moran	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest

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

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