

**CITY OF ST. FRANCIS
ST. FRANCIS, MN
ANOKA COUNTY**

ORDINANCE 338

**AN ORDINANCE ADDING CHAPTER 6 SECTION 13 OF THE ST. FRANCIS CITY
CODE TO REGULATE CANNABIS BUSINESSES, FIRST READING**

6-13-1. Administration

Findings and Purpose. The City of St. Francis makes the following legislative findings:

- a) The purpose of this ordinance is to implement the provisions of Minnesota Statutes,

chapter 342, which authorizes (insert local authority) to protect the public health, safety, welfare of St. Francis residents by regulating cannabis businesses within the legal boundaries of St. Francis

- b) St. Francis finds and concludes that the proposed provisions are appropriate and lawful land use regulations for St. Francis, 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.

6-13-2 Authority & Jurisdiction

St. Francis 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 St. Francis.

6-13-3 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.

6-13-4 Enforcement

The City of St. Francis is responsible for the administration and 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.

6-13-5 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.

1. *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.
2. *Cannabis Retail Businesses*: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, (and/excluding) lower-potency hemp edible retailers.

3. *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
4. *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.
5. *Lower-potency Hemp Edible*: As defined under Minn. Stat. 342.01 subd. 50.
6. *Office of Cannabis Management*: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
7. *Place of Public Accommodation*: 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.
8. *Preliminary License Approval*: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
9. *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.
10. *Residential Treatment Facility*: As defined under Minn. Stat. 245.462 subd. 23.
11. *Retail Registration*: An approved registration issued by the City to a state licensed cannabis retail business.
12. *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.
13. *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

6-13-6 Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business within St. Francis without first registering with St. Francis. 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 \$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.

6-13-7 Zoning Compliance Checks Prior to Retail Registration

Prior to issuance of a cannabis retail business registration, St. Francis 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, St. Francis 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.

Registration & Application Procedure

6-13-8 Registration Fee

A registration fee, as established in St. Francis's fee schedule, shall be charged to applicants depending on the type of retail business license applied for. An initial retail registration fee of \$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 St. Francis 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.

6-13-9 Application Submittal.

The City of St. Francis 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 st. Francis. 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
- iv. sought;
- v. Certification that the applicant complies with the requirements of local
- vi. ordinances established pursuant to Minn. Stat. 342.13.

(B) The applicant shall include with the form:

- i. the application fee as required in [Section 2.3.1];
- ii. a copy of a valid state license or written notice of OCM license preapproval;
- iii. other items as identified on registration form

(C) Once an application is considered complete, the City of St. Francis shall inform the applicant as such, process the application fees, and forward the application to the City Council for approval or denial.

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

6-13-10 Application Approval

(A) 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 2.6.

(B) 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.

(C) A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

6-13-11 Annual Compliance Checks.

The City of St. Francis 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/these ordinances.

The (insert local here) 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.

6-13-12 Location Change

A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 2.3.2 if it seeks to move to a new location still within the legal boundaries of the City of St. Francis.

6-13-13 Renewal of Registration

The City of St. Francis 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.

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

6-13-14 Renewal Fees.

The City shall charge a renewal fee for the registration starting at the second renewal, as established in the City's fee schedule.

6-13-15 Renewal Application.

The application for renewal of a retail registration shall include, but is not limited to items required under Section 2.3.2 of this Ordinance.

Suspension of Registration

6-13-16 When Suspension is Warranted.

The City of St. Francis 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.

6-13-17 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 calendar days and perform any necessary inspections within 30 calendar days.

6-13-18 Length of Suspension.

The City Of St. Francis shall reinstate a registration if OCM determines that the violation(s) have been resolved.

6-13-19 Civil Penalties.

Subject to Minn. Stat. 342.22, subd. 5(e) the City imposes a civil penalty, as specified in the City's Fee Schedule, for registration violations of \$2,000.

6-13-20 Limiting of Registrations

The City of St. Francis shall limit the number of cannabis retail businesses to no fewer than one registration for every 12,500 residents within City jurisdictional boundaries. The City shall limit the number of cannabis retail businesses to one non municipal.

Requirements for Cannabis Businesses

6-13-21 Zoning and Land Use

Cannabis businesses licensed or endorsed for; cultivation, cannabis manufacturing, low-potency hemp edible manufacturing, wholesale businesses, cannabis retail, cannabis transportation, cannabis delivery shall comply with all of the City zoning and land use requirements. Prior to issuance of a state license or city registration, business will be reviewed for compliance with city ordinances, standards and requirements as set forth in Chapter 10 Zoning.

6-13-22 Hours of Operation

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 8:00 a.m. and 10:00 p.m. Monday through Saturday and 10:00 a.m. to 9:00 p.m. on Sunday.

6-13-23 Advertising

Cannabis businesses are permitted to erect fixed signs on the exterior of the building or property of the business following City sign ordinances.

Temporary Cannabis Events

Any individual or business seeking to obtain a cannabis event license must provide OCM information about the time, location, layout, number of business participants, and hours of operation. A cannabis event organizer must receive local approval, including obtaining any necessary permits or licenses issued by a local unit of government before holding a cannabis event.

License or Permit Required for Temporary Cannabis Events

6-13-24 License Required.

A cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four days. A jurisdiction should determine what type of approval is consistent with their existing ordinances for events. A license or permit is required to be issued and approved by (insert local here) prior to holding a Temporary Cannabis Event.

6-13-25 Registration & Application Procedure

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

6-13-26 Application Submittal & Review.

The City 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. 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. Safety and security plans to be reviewed by Emergency Management
- iv. Parking on and off site

(B) The applicant shall include with the form:

- i. the application fee as required in (Section 4.1.2);

- ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

The application shall be submitted to the City 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 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:

- 1) Temporary events shall prohibit any on-site consumption
- 2) If concerns existing regarding public health, safety or welfare application shall be denied if concerns are not fully resolved by the applicant.
- 3) Temporary events shall be prohibited within a door-to-door span of:
 - a) 1,000 feet of a K-12 school
 - b) 500 feet of a day care
 - c) 500 feet of a residential treatment facility
 - d) 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
- 4) The site upon which the temporary event is to be conducted shall be kept in a neat and orderly fashion, free from litter, refuse, debris, junk or other waste which results in offensive odor or unsightly conditions.
- 5) Displace of items shall be arranged in as compact a manner as reasonably practical with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
- 6) No uses or displaced shall be permitted in required parking areas, required green areas, parking setback, or any right-of-way or other public property.
- 7) Tents, stands and other similar temporary structures utilized are subject to the following requirements:
 - a) A site plan be submitted which clearly identifies the location of the temporary structure(s)
 - b) The Zoning Administrator determines that the size and location of structures shall not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site
 - c) If the temporary structure is greater than 200 square feet in size and/or includes electrical service, the City Administrator may defer matter to the City Building Official for review and approval.

- 8) The sale and associated parking shall not obstruct parking spaces needed by any permanent business established on the site except when a sale is held when the business is closed.
- 9) No portion of the use or event shall take place within 100 feet of any residential buildings.

(G) A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.

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

Lower-Potency Hemp Edibles

6-13-27 Zoning Districts

Prior to issuance of a state license or city registration, business will be reviewed for compliance with city ordinances, standards and requirements as set forth in Chapter 10 Zoning.

Local Government as a Cannabis Retailer

6-13-28 Local Government as a Cannabis Retailer

The City of St. Francis may establish, own, and operate one municipal cannabis retail business subject to the restrictions in this chapter.

The municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses under Section 2.6. St. Francis shall be subject to all same rental license requirements and procedures applicable to all other applicants.

Use in Public Places

6-13-29 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.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS 2nd DAY OF DECEMBER, 2024.

APPROVED:

Joseph Muehlbauer
Mayor of St. Francis

ATTEST:

Jennifer Wida
City Clerk