

CITY OF EMMONS

ORDINANCE NO.: 81

AN ORDINANCE AMENDING ARTICLES II, III AND IV OF THE CITY'S ZONING
ORDINANCE REGARDING THE REGULATION OF CANNABIS AND HEMP
BUSINESSES

The City Council of the City of Emmons ordains:

Article 1. Legislative Findings. The City of Emmons ("City") makes the following legislative findings:

Findings and Purpose. The purpose of this Ordinance ("Ordinance") is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes the City to protect the public health, safety, welfare of the City's residents by regulating cannabis and hemp businesses within the City.

The City finds and determines that the provisions of this Ordinance are appropriate and in accordance with Minnesota Statutes, that the proposed amendments will promote the City's interest in reasonable stability in zoning, and that the proposed provisions are in the public interest of protecting the public health, safety and welfare.

Article 2. Definitions. Section 2.26 of the City's Zoning Ordinance ("Zoning Ordinance") is hereby amended by adding the following double-underlined language:

Section 2.26 HOME OCCUPATION. An occupation which is customarily and traditionally conducted within a dwelling by its occupants and is clearly incidental and secondary to the principal use of the dwelling. In no event shall a Cannabis Business, Lower-Potency Hemp Edible Retailer or Lower-Potency Hemp Manufacturer be considered a Home Occupation.

Article 3. General Regulations. Article IV of the City Zoning Ordinance is hereby amended by adding a new Section 4.18 with the following double-underlined language:

Section 4.18 CANNABIS AND HEMP BUSINESSES

(a) Authority. The City is authorized by Minnesota Statutes, section 342.13(c) to adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business, including the adoption of zoning regulations under Minnesota Statutes, section 462.357. The City is also authorized to regulate the use of cannabis in public places under Minnesota Statutes, section 152.0263, subdivision 5. The intent of this Section is to comply with the provisions of Minnesota Statutes, chapter 342 and the rules promulgated thereunder. References to statutes shall include any amendments made to those sections and includes any successor provisions.

(b) Definitions. Unless otherwise noted in this Section, words and phrases contained in Minnesota Statutes, section 342.01, and any amendments made thereto or any successor

provisions, and the rules promulgated pursuant to Minnesota Statutes, Chapter 342, shall have the same meanings in this Ordinance.

- (1) Adult Use Cannabis Product. As defined in Minnesota Statutes, section 342.01, subd. 4.
- (2) Cannabis Cultivator. A 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 authorized by Minnesota Statutes and the Office of Cannabis Management.
- (3) Cannabis Delivery Service. A business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.41, or such other law as may apply, to transport and deliver cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumable products to customers and perform other actions authorized by Minnesota Statutes and the Office of Cannabis Management.
- (4) Cannabis Event Organizer. A business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.39, or such other law as may apply, to hold a temporary cannabis event.
- (5) Cannabis Manufacturer. A business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.31, or such other law as may apply, to manufacture cannabis concentrate, hemp concentrate, including hemp concentrate with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight, artificially derived cannabinoids, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for public consumption and perform other actions authorized by Minnesota Statutes and the Office of Cannabis Management.
- (6) 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, including 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, excluding lower-potency hemp edible retailers.
- (7) Cannabis Testing Facility. A business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.37, or such other law as may apply, to test immature cannabis plants and seedlings, cannabis

flower, cannabis products, hemp plant parts, hemp concentrate, artificially derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products.

- (8) Cannabis Transporter. A business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.35, or such other law as may apply, to transport immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles and hemp-derived consumer products as authorized by Minnesota Statutes and the Office of Cannabis Management.
- (9) Cannabis Wholesaler. A business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.33, or such other law as may apply, to sell immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products to cannabis microbusinesses, cannabis mezzobusinesses, cannabis manufacturers, and cannabis retailers, to sell lower-potency hemp edibles to lower-potency hemp edible retailers and to perform other actions authorized by Minnesota Statutes and the Office of Cannabis Management.
- (10) Daycare. A location licensed with the Minnesota Department of Human Services to provide the care of a child outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
- (11) Lower-Potency Hemp Edible. As defined under Minnesota Statutes, section 342.01 subd. 50.
- (12) Lower-Potency Hemp Edible Retailer. A business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.43, or such other law as may apply, to sell lower-potency hemp edibles.
- (13) Medical Cannabis Business. A business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, sections 342.47 through 342.515, or such other law as may apply, to cultivate, process, manufacture, package, and sell medical cannabis and cannabinoid products as authorized by Minnesota Statutes and the Office of Cannabis Management.
- (14) Office of Cannabis Management ("OCM"). The Minnesota Office of Cannabis Management, which has the powers and duties set out in Minnesota Statutes, section 342.02.
- (15) 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.

- (16) 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.
- (17) Residential Treatment Facility. “Residential treatment facility” has the meaning given the term in Minnesota Statutes, section 245.462, subdivision 23.
- (18) School. A public school as defined under Minnesota Statutes, section 120A.05, or a nonpublic school that must meet the reporting requirements under Minnesota Statutes, section 120A.24.

(c) Medical Cannabis Business. A Medical Cannabis Business shall be classified as a Cannabis Cultivator, Cannabis Manufacturer and/or a Cannabis Retailer, depending on the scope of its operations, for purposes of determining which zoning district the particular business may be located.

(d) Operations. Operation of a business of the types established by Minnesota Statutes, section 342.10 within the City shall comply with the provisions of this Ordinance and the following:

- (1) State License Required. Operation of a business of the types established by Minnesota Statutes, section 342.10 shall require a state license issued by the OCM in accordance with Minnesota Statutes.
- (2) Building Code. The business shall comply with the provisions of all applicable building code requirements.
- (3) Fire Code. The business shall comply with the provisions of all applicable fire code requirements.
- (4) Zoning Ordinance. The business shall comply with the City Zoning Ordinance.
- (5) Hours of Operation:
 - (A) Cannabis businesses shall be limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 10:00 a.m. and 9:00 p.m.
 - (B) Temporary cannabis events shall be limited to occur between the hours of 10:00 a.m. and 9:00 p.m.

(C) The hours of operation for all other cannabis business shall be limited to the hours of 7:00 a.m. to 10:00 p.m., unless extended by the City Council.

(e) Prohibited Activities. No cannabis business shall operate in a manner that violates, or fails to comply with, the provisions of Minnesota Statutes, Chapter 342, such other laws as may apply, and the following:

(1) Smoking Prohibited. No cannabis flower, cannabis products, or hemp-derived consumer products in a manner that involves the inhalation of smoke, aerosol, or vapor shall be used at any location where smoking is prohibited under Minnesota Statutes, section 144.414;

(2) Statutory Prohibitions. No cannabis business authorized to sell at retail shall sell any cannabis flower or cannabis products in violation of any of the prohibitions in Minnesota Statutes, Section 342.27, subdivision 12.

(f) Buffer Zones.

(1) Distances. Except as provided below, no cannabis business shall be located or operate within:

(A) 1,000 feet of a school;

(B) 500 feet of a residential treatment facility;

(C) 500 feet of a daycare facility;

(D) 500 feet of an attraction within a public park that is regularly used by minors including, but not limited to, playgrounds and athletic fields;

(E) 500 feet from another cannabis business; or

(F) 500 feet from a church or place of religious assembly.

(2) Measurement. Buffer distances shall be measured from the lot line of the property on which the cannabis business is placed to the structure identified in Section 4.18(f)(1).

(g) Nonconforming. A cannabis business lawfully established and operating in a location may continue to operate as a lawful nonconforming use if a school, residential treatment facility, daycare facility, or park is established within the required buffer distance. A cannabis business that becomes nonconforming is subject to the restrictions in Minnesota Statutes, section 462.357, subdivision 1e.

(h) Lower-Potency Hemp Edibles. The sale of lower-potency hemp edibles are subject to the restrictions and requirements of this subsection.

(1) Age Restricted Areas. The sale of lower-potency hemp edibles is only allowed in places that limit admission to persons 21 years of age and older.

- (2) Storage. Lower-potency hemp edibles shall be stored in a locked case and may only be sold behind a counter.

(i) Indoor Operations.

- (1) A cannabis business shall be conducted entirely within a principal or accessory building as allowed by the City Code. All outside storage is prohibited.
- (2) All waste and recycling containers shall be kept within a principal or accessory building.

(j) Utilities.

- (1) The use shall be connected to public water, sanitary sewer, and stormwater utility systems.
- (2) All waste and recycling containers shall be kept within a principal or accessory building.

(3) Public Water:

- (A) There shall be adequate capacity within the public water system, including wells, pump houses, water towers, pressure valves, and distribution pipes serving the property to accommodate the cannabis business.
- (B) Connection to the public water system shall comply with all applicable requirements.

(4) Sanitary Sewer:

- (A) There shall be adequate capacity within the sanitary sewer system, including collection pipes, lift stations, forcemains, and wastewater treatment facilities serving the property to accommodate the cannabis business.
- (B) Discharges to the sanitary sewer system shall comply with all applicable requirements.
- (C) Storm Sewer. All discharges to the storm sewer utility system shall comply with all applicable requirements.

(k) Temporary Cannabis Events.

- (1) Cannabis Event Permit Required. A cannabis business licensed by the Office of Cannabis Management to conduct temporary cannabis events may only conduct

an event in a zoning district in which the use is allowed, and then only upon obtaining a cannabis event permit from the City.

- (2) Consumption Prohibited. The consumption of adult-use cannabis products at a cannabis event is prohibited.
- (3) Application Process. The following procedure shall apply for seeking a cannabis event permit for an event. A separate cannabis event permit is required for each event.

(A) The applicant must complete and submit the City's cannabis event permit application form together with the applicable fee at least 60 days before the start of the proposed event. Incomplete applications will be returned to the applicant without processing. If the propose cannabis event constitutes a special event under the City's regulations, the applicant is required to follow the applicable requirements to obtain a special events permit, and such approval shall also constitute the cannabis event permit for the particular event.

(B) If approved, the cannabis event permit shall, at a minimum, indicate the event location, dates (not to exceed four days), daily operating hours, and the specific restrictions or requirements placed on the event. The types of restrictions and requirements placed on an event will vary depending on the anticipated size and may include, but are not limited to, traffic routing, parking, security, sanitation facilities, garbage, first aid, limitations on amplified music and public address systems, insurance coverages, and maximum attendance.

- (4) Enforcement. The City may suspend or revoke a cannabis event permit if the event organizer fails to comply with the conditions placed on the permit in any material way after being informed of the violation and the need to correct it. The City may deny issuing a permit to an event organizer that failed to comply with any cannabis event permit issued within the preceding three years.

(l) 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 by the OCM to permit on-site consumption.

Article 4. AG Agricultural Districts. Section 5.01 of the City Zoning Ordinance is hereby amended by adding the following double-underlined language:

Section 5.01 USES PERMITTED

- (a) one and two family dwellings
- (b) general crop farming.

- (c) truck gardens and nurseries
- (d) public, parochial, private and nursery schools, churches and community buildings.
- (e) accessory buildings or structures and uses customarily incidental to any of the above listed uses when located on the same property.
- (f) Cannabis Cultivator.

Article 5. AG Agricultural Districts. Section 5.02(c) of the City Zoning Ordinance is hereby amended by adding the following double-underlined language:

- (c) one (1) temporary building for the sale of produce raised on the property, located not less than twenty (20) feet from the street or highway right-of-way line and provided that space for patron parking twenty (20) feet from said street or highway right-of-way line is provided. The sale of produce shall not include the sale of Adult Use Cannabis Products.

Article 6. C-1 General Commercial Districts. Section 8.01 of the City Zoning Ordinance is hereby amended by adding the following double-underlined language:

Section 8.01 USES PERMITTED.

- (a) business services including banks, offices and post offices.
- (b) clothing services including laundries, laundromats, dress-making, millinery and tailor shops, shoe repair shops.
- (c) automobile, truck and boat sales and service establishments including equipment sales, gasoline service stations and commercial garages.
- (d) food services including grocery stores, restaurants, bars and bakeries.
- (e) personal services including barber and beauty shops.
- (f) retail services including appliance stores, drug stores, hardware stores, lumberyards, apparel shops, liquor stores and show rooms for articles to be sold at retail.
- (g) public utility buildings and transformer stations without storage yards.
- (h) medical, dental, eye and animal clinics.
- (i) bowling alleys.
- (j) public buildings.
- (k) Cannabis Retailer.
- (l) Lower-Potency Hemp Edible Retailer.
- (m) Cannabis Delivery Service.
- (n) Cannabis Transporter.
- (o) Temporary Cannabis Event.
- (p) any commercial establishment or professional service or commercial service not specifically stated or implied elsewhere in this ordinance.
- (q) residence when included as an integral part of the principal building to be occupied by the owner or the owner's employee.
- (r) buildings and uses customarily necessary to any of the above uses. Such uses shall not be detrimental either by reason of odor, smoke, noise, dust or vibration to the surrounding neighborhood.

Article 7. Manufacturing Districts. Section 9.01 of the City Zoning Ordinance is hereby amended by deleting the following ~~stricken~~ language and adding the following double-underlined language:

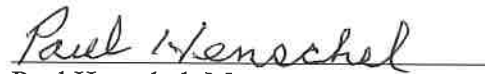
Section 9.01 USES PERMITTED


- (a) building materials storage yards, lumber yards, and grain elevators.
- (b) contractors or farm equipment sales or rental storage yards.
- (c) any wholesale business including processing, warehousing, and storage buildings, including cold storage.
- (d) public utility service buildings and yards, electrical transformer stations, sub-stations and gas regulator stations.
- (e) woodworking shops, sign manufacturing shops, machine shops.
- (f) carting, expressing and hauling companies and their related storage buildings.
- (g) stone and monument works and display areas.
- (h) tool and die manufacturer, sheet metal shops, welding shops.
- (i) automobile and truck service, painting, and repair.
- (j) Cannabis Cultivator.
- (k) Cannabis Manufacturer.
- (l) Cannabis Testing Facility.
- (m) Cannabis Wholesaler.
- (n) Cannabis Delivery Service.
- (o) Cannabis Transporter.
- (p) Temporary Cannabis Event.

Uses permitted in c, d, e, f, g, h, and i, j, k, l and m above shall be conducted wholly within a building except that the display area under (a), (b) and (g) is exempt.

Article 8. Severability. Should any section or part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the ordinance as a whole or any part other than the part declared invalid.

Article 9. Effective Date. This Ordinance shall become effective the day after its legal publication.


Paul Henschel, Mayor

ATTEST: 
Lorry Zasada, City Clerk

Date of Publication Dec 14th, 2024

Effective Date Jan. 1, 2025