

*City
of*

Columbus

Administration Dept.
16319 Kettle River Blvd
Columbus, MN 55025
Telephone: (651) 464-3120

City of Columbus Council Workshop Meeting

April 9, 2024

Agenda Item Number: Item 1

Agenda Item: City Administrator Scoring Sheet Review

Background:

Information regarding this item will be sent to the Council prior to our meeting on April 9, 2024.



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City of Columbus Council Workshop Meeting

April 9, 2024

Agenda Item Number: Item 2

Agenda Item: Lake Drive Corridor Study

Background:

City Engineer Kevin Bittner, City Engineer, will update Council on the Lake Drive (CSAH 23) Corridor Study and be open to questions regarding this presentation.

Attachment(s):


Attachment 1- Lake Drive Corridor Study








CSAH 23 (Lake Dr) Corridor Study

Columbus Council Workshop Tuesday, April 9, 2024


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STUDY OVERVIEW & GOALS

-  Identify a future roadway design that is compatible with local and regional transportation needs.
-  Provide safe, efficient, and reliable mobility for all traffic modes.
-  Prioritize the safety and comfort of pedestrians and bicyclists through expansion of a trail network
-  Consider present and future access control needs
-  Support the existing and future planning goals of the Cities of Lino Lakes and Columbus

NOVEMBER – DECEMBER	JANUARY – FEBRUARY 2024	MARCH 2024
GATHER FEEDBACK	ALTERNATIVES	FINAL CONCEPT
NEXT STEPS		
FINAL CONCEPT	PRELIMINARY DESIGN	FINAL DESIGN
CONSTRUCTION		



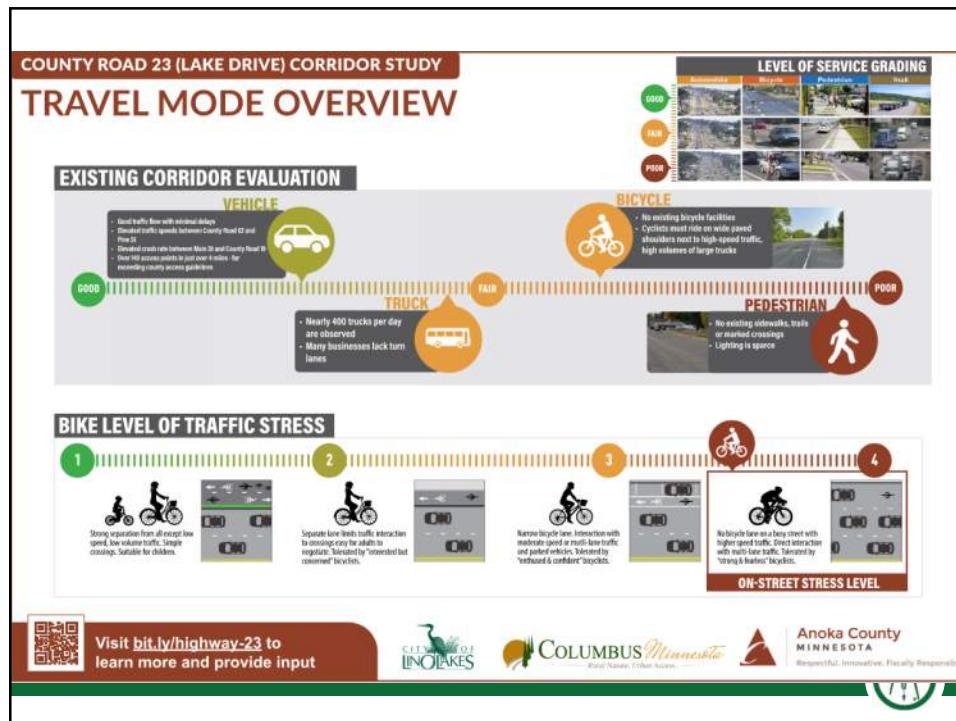
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Purpose and Need

- Primary Needs
 - Infrastructure Conditions
 - Walkability/Bikeability
 - Vehicle Safety
- Secondary Needs
 - Vehicle Mobility



3



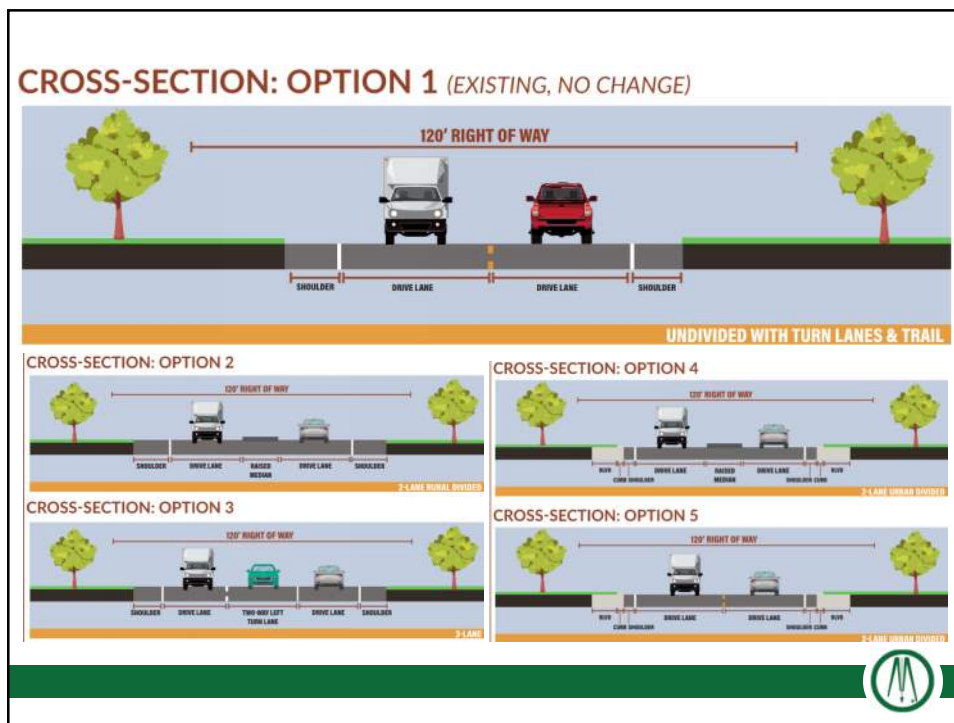
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Existing Conditions Evaluation

- Traffic Volumes and Speeds
- Crash History
- Access Inventory and Management
- Intersection Traffic Control
- Turn Lane Needs
- Speed Limits



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Open House #1 Recap

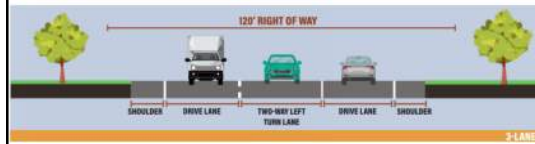
What we heard:

- Trail on one side of road desired
- Kettle River and Camp 3 project questions
- Turn lane requests
- Speeding, truck traffic
- Private property impacts

Comment Themes

- Bicycle/Pedestrian Amenities**
 - Strong preference towards a raised-use trail, would prefer to keep on one side of the road.
 - Question where the bicycle/pedestrian facilities will be added - along the entire length? Just a portion of Lake Dr?
 - Request to add trail on the East side of Lake, specifically from Pine to Main.
- Configuration/Alignment**
 - Desire/request to assess and align Drive 2, & 3, to match Lake as well as 155th & Kettle River Blvd. (C2)
 - Request to maintain street at the intersection of Lake, Camp 3, and Main.
 - Desire for a dedicated left turn lane at Pine & Change Streets.
 - Consider adding roundabouts at Main and Pine Streets (C2)
 - Add turn or bypass lane at Change & Change Streets.
- Maintenance/Utility Management**
 - Concern/request to improve drainage at Garage Solutions, Condon, and Main.
 - Concern for potential runoff that will be directed to privately owned ditch due to construction.
 - Add street-level lighting.
- Roadway Safety**
 - Add flashing sign approaching the residential areas on Lake Dr near Main St.
 - Address safety of the stop light going north on Change St.
 - General request for traffic calming measures - high speeds.
- Potential Design Comments**
 - Strong preference towards design concept #2 (2-lane roadway).
 - Slight preference towards no medians - better traffic flow.
 - Preference towards keeping trail to one side of the road.
- Truck Traffic**
 - Concern/obstacle to redirect trucks from local streets to Lake Dr.
 - Too many trucks in the area - redirect to freight station.
 - Desire to stop making businesses that need heavy trucks.
- Other**
 - Some confusion over the boundaries chosen for the study - would like the study to go all the way to 35 W (C2)
 - Suggestion/preference of using concrete for paving.
 - Concern over private property impacts.

CROSS-SECTION: OPTION 3

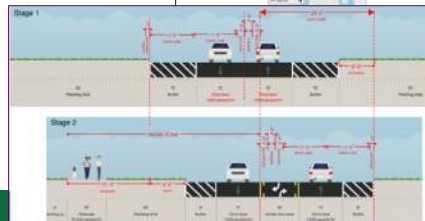


Top Design Concepts - 21 Votes	Sidewalk or Trail? - 18 Votes	Sidewalk Placement - 5 Votes
1st - Concept 3 (17 votes)	Sidewalk (1 vote)	One Side (3 votes)
2nd - Concept 3 (17 votes)	Trail (12 votes)	Both Sides (2 votes)
3rd - Concept 1 (1 vote)	Neither (2 votes)	

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Technical Analysis Performed

- Turn Lane Warrants
- Intersection Traffic Control Evaluations
- Water Resources Considerations
- Constructability & Staging
- Typical Section & Concept Layout



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DRAFT Proposed Typical Section



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Next Steps

- Alternatives Evaluation – December 2023
- Concept Layout Development – January 2023
- Refine Concepts – February/March 2023
- Determine Final Concept – April 2024
- Open House #2 – Late-April 2024
- Final Concept Refinement – May 2024
- Final Concept Approved – May 2024



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COUNTY ROAD 23 (LAKE DRIVE) CORRIDOR STUDY

CRASH INFORMATION

BY THE NUMBERS (CRASH DATA 2018-2022)

80 total crashes

- 43 intersection crashes
- 37 segment crashes
- 60% of all crashes are rear end or angle crashes
- 82% of crashes occurred between Main St and Pine St
- No pedestrian crashes reported, 1 bike crash at Main St intersection

CRASH SEVERITY INFORMATION

- No intersections or segments with crash rates above the critical crash rate
- A crash rate above the critical crash rate indicates that the corridor or intersection is operating out of the normal range for crashes on similar facilities. There is a need for safety review and potential mitigation.
- While several intersections and segments are operating with an above average crash rate, this alone does not indicate there is a safety issue.

Logos: City of Inver Lakes, Columbus Minnesota, Anoka County Minnesota

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COUNTY ROAD 23 (LAKE DRIVE) CORRIDOR STUDY

ACCESS MANAGEMENT

WHAT IS ACCESS MANAGEMENT?

- Planning and control of the location, spacing, design, and operation of driveways, median openings, and street connections to a roadway
- Designates where and how vehicles access and exit a roadway
- Helps protect public investment in roadways by:
 - Preserving mobility
 - Reducing delay
 - Minimizing crashes
 - Reducing conflict points
 - In most cases, access consolidation, relocation, or removal is not practical on CSAH 23

ACCESS VS. MOBILITY

Anoka County Access Management guidelines for County Road 23:

1/2 Mile
Primary Access Spacing

1/4 Mile
Secondary Access Spacing

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COUNTY ROAD 23 (LAKE DRIVE) CORRIDOR STUDY


INTERSECTION TRAFFIC CONTROL

TRAFFIC CONTROL DEVICES BY TYPE:

- 1 signal
- 1 future roundabout at County Road 62
- 15 Two-Way Stop
- Specific traffic volume criteria must be met in order for a traffic signal or all-way stop to be warranted. Unwarranted intersection controls are often unsafe and inefficient

TURN LANE POLICY AND ASSESSMENT
 The corridor study will use Anoka County's policy for turn lane installations, as well as secondary information such as operations and traffic safety, to evaluate turn lane needs at all intersections within the study area.

**RIGHT LANE
MUST
TURN RIGHT**



A roundabout is planned to be constructed at the intersection of CR 23 and CR 62 in 2027.

Legend:
 Signal Intersection
 Two-Way Intersection
 Existing All-Stop
 Future All-Stop
 Future Roundabout

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COUNTY ROAD 23 (LAKE DRIVE) CORRIDOR STUDY

SPEED LIMITS

SPEED LIMITS ARE IMPORTANT BECAUSE THEY:

- Make roads safer by reducing variability in vehicle speeds.
- Help unfamiliar drivers know the appropriate speed.
- Help law enforcement curb dangerous behavior.

SPEED LIMITS ARE ESTABLISHED THROUGH MINNESOTA STATUTE 169.14. THE STATUTE:

- Defines speed for certain roadway types.
- Establishes a process for the State to determine speeds.
- Establishes a process for Cities to establish speed limits on City streets.

SPEED STUDIES EXAMINE:

- Actual speeds of vehicles using the roadway.
- Roadway type, condition, and length.
- Location of intersections and driveways.
- Traffic volume and crash history.
- Sight distance limitations caused by curves or hills.



After a speed study is conducted, a speed limit is set by the State. Posted limits reflect speeds for ideal road and weather conditions.

SPEED LIMIT FACTS:

- Lowering the posted speed limit will not slow traffic.
- Most people drive what is comfortable and safe to them regardless of posted speed limits.
- Lowering a posted speed limit does not reduce crashes.
- Improperly set speed limits decrease safety.




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City of Columbus Council Workshop Meeting

April 9, 2024

Agenda Item Number: Item 3

Agenda Item: Water System Improvement Study

Background:

In August of 2023, the City Council approved and authorized Bolton & Menk to proceed with the modeling and an analysis of the city's water supply and distribution system to develop recommendations for potential improvements to the system, stabilize operations and to address any water quality issues. Brian Guldán, a Principal Engineer in Bolton-Menks Environmental Group and Kevin Bittner will be at the City Council Workshop to present the findings of that study and to outline the recommendations and the next steps moving forward.

The draft report is currently undergoing additional editing and is not ready for inclusion in the packet but there will be a Power Point Presentation sent as an addendum prior to the meeting.



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City of Columbus Council Workshop Meeting

April 9, 2024

Agenda Item Number: Item 4

Agenda Item: Cannabis Ordinance Discussion

Background:

In August of 2023, the Minnesota Legislature approved the cultivation, manufacturing, and sale of adult-use cannabis. The approved legislation creates the formation of the Office of Cannabis Management (OCM) which is tasked with the development of rules, licensing, and enforcement for this new industry.

Currently, cannabis is legal for individuals to possess, use, and grow in Minnesota, subject limitations related to the amount possessed or produced. Home growth is permitted for up to eight cannabis plants of which up to four may be “mature” or “flowering” plants. Home growth of cannabis must be in an enclosed, locked space that is not open to public view. Cannabis may not be sold until the OCM grants the seller a license and before beginning any sales, a retailer must obtain a local retail registration. The OCM is seeking authorization during this legislative session to issue licenses for producers starting this fall so that retail products will be available in early 2025. The Legislation and the City’s current moratorium anticipate that retail sales will begin in the first quarter of 2025.

The State of Minnesota is yet to finalize their rules and regulations for cannabis licensing and the League of Minnesota Cities (LMC), at this time, has not created a sample ordinance to guide municipalities in their efforts relating to the regulating, licensing and sale of the permitted products.

City Staff has contacted to the following cities to inquire about their status relating to their efforts to enact a cannabis ordinance. Those cities contacted were:

- Forest Lake
- Scandia
- North Branch
- Isanti
- Cambridge
- Lino Lakes
- Centerville
- Wyoming
- East Bethel

Of those contacted, only Cambridge and Isanti have adopted ordinances regulating the sale of cannabinoid products. The others are still waiting for additional information from the OCM and the LMC as to the means to address this issue.

Regarding Cambridge and Isanti, their ordinances are included for your review as Attachment 1 and Attachment 2. The common items in each ordinance include:

- Setting a minimum distance from schools for dispensary locations
- Prohibiting the use of vending machines or any means of self-service sales
- Prohibiting price promotions, coupons, or discounts of any kind, including samples
- Clarifying the legal age
- Referencing what is current in state law in regard to testing and labeling requirements
- Outlining license procedures, including application materials and reasons for denial
- Describing enforcement actions, including compliance checks and investigations

The City of Cambridge has also adopted hours of operation for sales, as well as a specific procedure for penalties, fees and suspension timelines for violations.

Attachments(s):

Attachment 1 – City of Isanti Code, Chapter 123 – Cannabinoid Products

Attachment 2 – City of Cambridge, Ordinance 772 – Cannabinoid Products

Attachment 3 – Overview of Cannabis Legislation

Attachment 4 - City Attorney Report

This agenda item is an update on the status of our neighboring municipalities regarding their status on this matter and open for any discussion or direction that City Council deems appropriate.

Chapter 123

CANNABINOID PRODUCTS

§ 123-1.	Purpose and intent.	§ 123-11.	Prohibited activities.
§ 123-2.	Definitions.	§ 123-12.	Signage.
§ 123-3.	Registration required.	§ 123-13.	Age verification.
§ 123-4.	Registration procurement.	§ 123-14.	Suspension or revocation of registration.
§ 123-5.	Fees.		
§ 123-6.	Ineligibility and basis for denial of license.	§ 123-15.	Responsibility.
§ 123-7.	Sales of cannabinoids derived from hemp.	§ 123-16.	Compliance checks and inspections.
§ 123-8.	Testing requirements.	§ 123-17.	Exemption.
§ 123-9.	Labeling requirements.	§ 123-18.	Violations and penalties.
§ 123-10.	Additional requirements for edible cannabinoid products.	§ 123-19.	Severability.

[HISTORY: Adopted by the City of Isanti 5-2-2023 by Ord. No. 786 .¹ Amendments noted where applicable.]

§ 123-1. Purpose and intent.

The purpose of this chapter is to regulate the sale of certain legalized adult-use products that contain tetrahydrocannabinol and that meet the requirements to be sold for human or animal consumption under Minn. Stat. § 151.72 ("THC products") for the following reasons:

- A. The Minnesota Legislature amended Minn. Stat. § 151.72 to allow the sale of certain products containing tetrahydrocannabinol (THC).
- B. The new law does not prohibit municipalities from adopting and enforcing local ordinances to regulate THC product businesses including, but not limited to, local zoning and land use requirements and business registration requirements. **[Amended 6-20-2023 by Ord. No. 790]**
- C. The City has the opportunity to be proactive and make decisions that will mitigate threat and reduce exposure of young people to the products or to the marketing of these products and improve compliance among THC product retailers with laws prohibiting the sale or marketing of THC products to youth.

§ 123-2. Definitions.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The definitions in Minn. Stat. § 151.72., as may be amended from time to time, are hereby incorporated and other terms as applicable are in addition to

1. Editor's Note: This ordinance was originally adopted as Ch. 298 but was renumbered to maintain the organization of the Code.

those.

CANNABINOID PRODUCT — Any product containing cannabinoids, including an edible cannabinoid product, that is sold for human consumption whether chewed, smoked, inhaled, snorted, sniffed, vaporized, or ingested by other means.

COMPLIANCE CHECKS — The system the City uses to investigate and ensure that those authorized to sell cannabinoid or licensed products are following and complying with the requirements of this chapter. Compliance checks involve the use of persons under 21 who purchase or attempt to purchase cannabinoid or licensed products. Compliance checks may also be conducted by the City or other units of government for educational, research, and training purposes, or for investigating or enforcing federal, state, or local laws and regulations relating to cannabinoid or licensed products.

EDIBLE CANNABINOID PRODUCT — Any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in connection with food ingredients, and is not a drug.²

LICENSED PRODUCT or THC PRODUCT — Any product that contains more than trace amounts of tetrahydrocannabinol and that meets the requirements to be sold for human or animal consumption under Minn. Stat. § 151.72, as may be amended from time to time. Licensed product does not include medical cannabis as defined in Minn. Stat. § 152.22, Subd. 6, as may be amended from time to time.

MOVEABLE PLACE OF BUSINESS — Any form of business operated out of a kiosk, truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address storefront or other permanent type of structure authorized for sales transactions.

OPERATOR — The person in legal possession and control of a location by reason of ownership, lease, contract or agreement, for the sale of cannabinoid products at retail.

RETAIL ESTABLISHMENT — Any place of business where cannabinoid or licensed products are available for sale to the general public, including, but not be limited to, grocery stores, tobacco products shops, CBD stores, convenience stores, gasoline service stations, bars, and restaurants.

SALE — Any transfer of goods for money, trade, barter, or other consideration.

SELF-SERVICE MERCHANDISING — Open displays of cannabinoid or licensed products in any manner where any person has access to the cannabinoid or licensed products without the assistance or intervention of the registered establishment or the registered establishment's employee. Assistance or intervention means the actual physical exchange of the cannabinoid or licensed product between the customer and the registered establishment or employee. **[Amended 6-20-2023 by Ord. No. 790]**

THC — Abbreviation for tetrahydrocannabinol.

VENDING MACHINE — Any mechanical, electric, or electronic, or other type of device that dispenses cannabinoid or licensed products upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the cannabinoid or licensed product.

§ 123-3. Registration required. [Amended 6-20-2023 by Ord. No. 790]

It will be unlawful for any person to sell at retail any cannabinoid product as defined above or edible cannabinoid products within the City unless the owner has registered their business with the City.

§ 123-4. Registration procurement. [Amended 6-20-2023 by Ord. No. 790]

2. Editor's Note: The former definition of "exclusive liquor store," which immediately followed, was repealed 6-20-2023 by Ord. No. 790.

A. Application.

- (1) Any retail business owner desiring to sell cannabinoid products will make and file with the City Clerk an application, in writing. Such application will give the name and resident address of the applicant, if an individual; will identify the location at which it is proposed to sell the cannabinoid products at retail, and will provide such other information as the City may require from time to time.
- (2) The City Clerk will immediately transmit a copy of the application to the Chief of Police, who will investigate all facts and information which he/she can reasonably find, bearing upon the question of the applicant's fitness to receive the registration and to perform the duties imposed by this chapter. Upon completing the investigation, the Chief of Police will report, in writing, his/her findings to the City Administrator or designee, together with his/her recommendation as to the issuance of registration certificate to the applicant. The City Administrator or designee will submit to the City Council the report of the Chief of Police, together with the recommendation as to the issuance of the registration certificate to the applicant.

B. Action. The City Council will consider the facts and recommendation of the Chief of Police and of the City Administrator, together with any material facts which it may have or obtain, and then, by motion, will approve or deny the application. If the City Council has approved the application, it is the duty of the City Clerk to notify the applicant and provide a registration certificate.

C. Term. All registrations issued under this chapter shall expire at 12:00 midnight on December 31 of each year.

D. Revocation or suspension. Any registration issued under this chapter may be revoked or suspended as provided in § 123-14.

E. Transfers. All registrations issued under this chapter shall be valid only on the premises for which the registration was issued and only for the person or business to whom the registration was issued. The transfer of any registration certificate to another location, business, or person is prohibited.

F. Display. All registration certificates shall be posted and displayed in plain view of the general public on the registered premises.

G. Renewals. The renewal of a registration certificate issued under this chapter shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current registration.

H. Issuance as privilege and not a right. The issuance of a registration certificate issued under this chapter is a privilege and does not entitle the registration holder to automatic renewal of the registration.

§ 123-5. Fees. [Amended 6-20-2023 by Ord. No. 790]

No registration shall be issued under this chapter until the appropriate registration fee shall be paid in full. The fee for the registration under this chapter shall be established by the City Council and adopted in the City Fee Schedule, and may be amended from time to time. The fee will not be pro-rated for mid-year licenses.

§ 123-6. Ineligibility and basis for denial of license. [Amended 6-20-2023 by Ord. No. 790]

A. Ineligibility.

- (1) Moveable place of business. No registration certificate shall be issued to a moveable place of business.
 - (2) No registration will be approved unless the premises proposed to be registered complies with all applicable zoning requirements.
 - (3) The retail establishment shall be located not less than 300 feet of a school.
- B. Grounds for denial. Grounds for denying the issuance or renewal of a registration under this chapter include, but are not limited to, the following:
- (1) The applicant is under the age of 21 years.
 - (2) The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding registration.
 - (3) The applicant has been convicted within the past five years for any violation of a federal, state, or local law, other ordinance, provision, or other regulation relating to the licensed products.
 - (4) The applicant has had a registration to sell licensed products suspended or revoked during the 12 months preceding the date of application, or the applicant has or had an interest in another premises authorized to sell licensed products, whether in the City or in another jurisdiction, that has had a registration to sell licensed products suspended or revoked during the same time period, provided the applicant had an interest in the premises at the time of the revocation or suspension, or at the time of the violation that led to the revocation or suspension.
 - (5) The applicant is a business that does not have an operating officer or manager who is eligible pursuant to the provisions of this chapter.
 - (6) The applicant is the spouse of a person ineligible for registration pursuant to the provision of Subsections B(2) and (3) of this section or who, in the judgement of the Council, is not the real party in interest or beneficial owner of the business to be operated, under the registration.
 - (7) The applicant fails to provide any information required on the application or provides false or misleading information. Any false statement on an application, or any willful omission of any information called for on such application form, shall cause an automatic refusal of registration, or if already issued, shall render any registration issued pursuant thereto void and of no effect to protect the applicant from prosecution for violation of this chapter, or any part thereof.
- C. No registration shall be granted or renewed for operation on any premises on which real estate taxes, assessments, or other financial claims of the City or of the state are due, delinquent, or unpaid. If an action has been commenced pursuant to the provisions of Minn. Stat. Ch. 278, questioning the amount or validity of taxes, the Council may, on application by the business owner, waive strict compliance with this provision; no waiver may be granted, however, for taxes, or any portion thereof, which remain unpaid for a period exceeding one year after becoming due unless such one-year period is extended through no fault of the licensee.

§ 123-7. Sales of cannabinoids derived from hemp.

In accordance with Minn. Stat. § 151.72, Subd. 3, as may be amended from time to time:

- A. A product containing nonintoxicating cannabinoids, including cannabinoid products and edible cannabinoid products, may be sold for human or animal consumption only if all of the requirements

of this section are met, provided that a product sold for human or animal consumption does not contain more than 0.3% of any tetrahydrocannabinol and an edible cannabinoid product does not contain more than five milligrams of any tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any tetrahydrocannabinol per package.

- B. No other substance extracted or otherwise derived from hemp may be sold for human consumption if the substance is intended:
 - (1) For external or internal use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals; or
 - (2) To affect the structure or any function of the bodies of humans or other animals.
- C. No product containing any cannabinoid or tetrahydrocannabinol extracted or otherwise derived from hemp may be sold to any individual who is under the age of 21.
- D. Products that meet the requirements of this section are not controlled substances under Minn. Stat. § 152.02.

§ 123-8. Testing requirements.

In accordance with Minn. Stat. § 151.72, Subd. 4, as may be amended from time to time.

§ 123-9. Labeling requirements.

In accordance with Minn. Stat. § 151.72, Subd. 5, as may be amended from time to time.

- A. A label containing at least the following information must be affixed to the packaging or container of all edible cannabinoid products sold to consumers:
 - (1) The serving size;
 - (2) The cannabinoid profile per serving and in total;
 - (3) A list of ingredients, including identification of any major food allergens declared by name; and
 - (4) The following statement: "Keep this product out of reach of children."

§ 123-10. Additional requirements for edible cannabinoid products.

In accordance with Minn. Stat. § 151.72, Subd. 5a, as may be amended from time to time.

- A. An edible cannabinoid product must not:
 - (1) Bear the likeness or contain cartoon-like characteristics of a real or fictional person, animal, or fruit that appeals to children;
 - (2) Be modeled after a brand of products primarily consumed by or marketed to children;
 - (3) Be made by applying an extracted or concentrated hemp-derived cannabinoid to a commercially available candy or snack food item;
 - (4) Contain an ingredient, other than a hemp-derived cannabinoid, that is not approved by the United States Food and Drug Administration for use in food;

- (5) Be packaged in a way that resembles the trademarked, characteristic, or product-specialized packaging of any commercially available food product; or
 - (6) Be packaged in a container that includes a statement, artwork, or design that could reasonably mislead any person to believe that the package contains anything other than an edible cannabinoid product.
- B. An edible cannabinoid product must be prepackaged in packaging or a container that is child-resistant, tamper-evident, and opaque or placed in packaging or a container that is child-resistant, tamper-evident, and opaque at the final point of sale to a customer. The requirement that packaging be child-resistant does not apply to an edible cannabinoid product that is intended to be consumed as a beverage and which contains no more than a trace amount of any tetrahydrocannabinol.
- C. If an edible cannabinoid product is intended for more than a single use or contains multiple servings, each serving must be indicated by scoring, wrapping, or other indicators designating the individual serving size.
- D. An edible cannabinoid product must not contain more than five milligrams of any tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any tetrahydrocannabinol per package.

§ 123-11. Prohibited activities.

- A. Samples prohibited. Sampling of cannabinoid products within any retail establishment under this chapter is prohibited. No person shall distribute samples of any cannabinoid products free of charge or at a nominal cost. The distribution of cannabinoid products as a free donation is prohibited. **[Amended 6-20-2023 by Ord. No. 790]**
- B. Coupon and price promotion. No person shall accept or redeem any coupon, price promotion, or other instrument or mechanism, whether in paper, digital, electronic, mobile, or any other form, that provides any cannabinoid products to a consumer at no cost or at a price that is less than the nondiscounted, standard price listed by a retailer on the item or on any related shelving, posting, advertising, or display at the location where the item is sold or offered for sale, including all applicable taxes.
- C. Self-service displays. All cannabinoid products must be stored behind the sales counter, in a locked case, in a storage unit, or in another area not freely accessible to the general public. No person shall allow the sale of cannabinoid products in open displays that are accessible to the public without the intervention of a store employee. This section does not apply to a retail establishment, as defined in this chapter, that is continuously staffed by an employee from which persons under 21 years of age are prohibited from entering the store.
- D. Prohibition against retail sales of cannabinoid products by vending machines. No person will sell or dispense cannabinoid products through use of a vending machine.
- E. Delivery sales. All sales of cannabinoid products must be conducted in person, in a registered retail establishment under this chapter, in over-the-counter sales transactions. **[Amended 6-20-2023 by Ord. No. 790]**
- F. Use or possession. It shall be a violation of this chapter for any person under age 21 to use or possess any cannabinoid product. This subsection shall not apply to persons under the age of 21 lawfully involved in a compliance check.

- G. Procurement. It shall be a violation of this chapter for any person under age 21 to purchase or sell or attempt to purchase or sell or otherwise obtain any cannabinoid product and it shall be a violation of this chapter for any person to purchase or sell to or otherwise obtain such items on behalf of a person under the age of 21. It shall further be a violation for any person to coerce or attempt to coerce a person under the age of 21 to illegally purchase or otherwise obtain or use cannabinoid product. This subsection shall not apply to persons under the age of 21 lawfully involved in a compliance check.

§ 123-12. Signage. [Amended 6-20-2023 by Ord. No. 790]

At each location where cannabinoid products are sold, the registered establishment shall display a sign in plain view to provide public notice that selling any of these products to any person under the age of 21 is illegal and subject to penalties. The notice shall be placed in a conspicuous location in the registered establishment and shall be readily visible to any person who is purchasing or attempting to purchase these products. The sign shall provide notice that all persons responsible for selling these products must verify, by means of photographic identification containing the bearer's date of birth, the age of any person under 30 years of age.

§ 123-13. Age verification. [Amended 6-20-2023 by Ord. No. 790]

At each location where cannabinoid products or edible cannabinoid products are sold, the registered establishment shall verify, by means of government-issued photographic identification containing the bearer's date of birth, that the purchaser or person attempting to make the purchase is at least 21 years of age. Verification is not required if the purchaser or person attempting to make the purchase is 30 years of age or older. It shall not constitute a defense to a violation of this section that the person appeared to be 30 years of age or older.

§ 123-14. Suspension or revocation of registration. [Amended 6-20-2023 by Ord. No. 790]

- A. Notice of violation. The Chief of Police will provide, in writing, to the registered establishment either personally or by mail, notice of any alleged violation of the provisions of this chapter or Minnesota Statutes Chapter 151.
- B. Mandatory revocation. The Council may revoke the registration of any registered establishment under this chapter upon review of violations of any provisions of this chapter or Minnesota Statutes Chapter 151.

§ 123-15. Responsibility. [Amended 6-20-2023 by Ord. No. 790]

All registered establishments are responsible for the actions of their employees in regard to the sale, offer to sell, and furnishing of licensed products on the registered premises. The sale, offer to sell, or furnishing of any licensed product by an employee shall be considered an act of the registered establishment. Nothing in this section shall be construed as prohibiting the City from also subjecting the employee to any civil penalties that the City deems to be appropriate under this chapter, state or federal law, or other applicable law or regulation.

§ 123-16. Compliance checks and inspections. [Amended 6-20-2023 by Ord. No. 790]

- A. All premises registered under this chapter shall be open to inspection by the City during regular business hours. Any police officer, building inspector, or any properly designated officer or employee of the City shall have the unqualified right to enter, inspect and search the public portion of the premises of a registered establishment under this chapter during business hours without a search

warrant. From time to time, but at least once per year, the City shall conduct compliance checks. No person used in compliance checks shall attempt to use a false identification misrepresenting their age. All persons lawfully engaged in a compliance check shall answer all questions about their age asked by the registered establishment or their employee, and produce any identification, if any exists, for which they are asked. The City may conduct a compliance check that involves the participation of a person at least 18 years of age, but under the age of 21 to enter the registered premises to attempt to purchase the licensed products. Persons used for the purpose of compliance checks shall be supervised by law enforcement or other designated personnel. Nothing in this chapter 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.

- B. Additionally, from time to time, the City will conduct inspections to determine compliance with any or all other aspects of this chapter.

§ 123-17. Exemption.

This chapter does not apply to the sale of any product by a registered medical cannabis manufacturer pursuant to Minn. Stat. §§ 152.22 to 152.37.

§ 123-18. Violations and penalties.

Violation of any section of this chapter is punishable as a misdemeanor and upon conviction shall be punished as provided by Chapter 1, Article I, of this Code of the City of Isanti.

§ 123-19. Severability.

If any section or provision of this chapter is held invalid, such invalidity will not affect other section or provisions that can be given force and effect without the invalidated section or provision.

City of Cambridge
ORDINANCE 772

AN ORDINANCE PROVIDING FOR THE REGULATION OF CERTAIN CANNABINOID
PRODUCTS

TITLE XI BUSINESS REGULATIONS, CHAPTER 119 CANNABINOID PRODUCTS

The City Council of the City of Cambridge, Minnesota does ordain:

That Chapter 119, Cannabinoid Products, is hereby replaced and amended in its entirety
as follows:

CHAPTER 119: CANNABINOID PRODUCTS

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§119.01 Purpose.

The purpose of this Section is to regulate the sale of legalized adult-use of cannabinoid products and that meets the requirements to be sold for human or animal consumption under Minnesota Statutes, section 151.72 specifically for the sale of edible cannabinoid products, provided the product sold for human consumption does not contain more than 0.3% tetrahydrocannabinol and the edible cannabinoid product does not contain an amount of any tetrahydrocannabinol that exceeds more than five milligrams of any tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of an tetrahydrocannabinol per package (THC products) for the following reasons:

- (a) The City recognizes that, based on the most reliable and up-to-date scientific evidence, the rapid introduction of newly legalized adult-use THC products, presents a significant potential threat to the public health,

safety, and welfare of the residents of Cambridge, and particularly to youth.

- (b) The City has the opportunity to be proactive and make decisions that will mitigate this threat and reduce exposure of young people to the products or to the marketing of these products and improve compliance among cannabinoid product retailers with laws prohibiting the sale or marketing of cannabinoid products to minors.
- (c) A local regulatory system for cannabinoid product retailers is appropriate to ensure that retailers comply with cannabinoid product laws and business standards of the City of Cambridge to protect the health, safety, and welfare of our youth and most vulnerable residents.
- (d) State law requires cannabinoid product retailers to check the identification of purchasers to verify that they are at least 21 years of age, comply with certain packaging and labeling requirements to protect children and youth, and meet certain potency and serving size requirements.
- (e) State law authorizes the Board of Pharmacy to adopt product and testing standards in part to curb the illegal sale and distribution of cannabinoid products and ensure the safety and compliance of commercially available cannabinoid products in the state of Minnesota.
- (f) State law does not preempt the authority of a local jurisdiction to adopt and enforce local ordinances to regulate cannabinoid product businesses including, but not limited to, local zoning and land use requirements and business license requirements.
- (g) A requirement for a cannabinoid product retailer license will not unduly burden legitimate business activities of retailers who sell or distribute cannabinoid products to adults but will allow the City of Cambridge to regulate the operation of lawful businesses to discourage violations of state and local cannabinoid Product-related laws.

In making these findings and enacting this ordinance, it is the intent of the Cambridge City Council to ensure responsible cannabinoid product retailing, allowing legal sale and access without promoting increases in use, and to discourage violations of cannabinoid product-related laws, especially those which prohibit or discourage the marketing, sale or distribution of cannabinoid products to youth under 21 years of age.

§119.02 Scope.

- (a) This Article applies to the sale of any cannabinoid product as permitted by Minn. Stat. 152.72.
- (b) This Article does not apply to the sale of any cannabidiol/CBD product as defined by this Article.
- (c) This Article does not apply to any product dispensed by a registered medical cannabis manufacturer pursuant to Minn. Stat. 152.22 to 152.37.

§119.03 Definitions.

Except as may otherwise be provided ~~or~~ clearly implied by context, all terms shall be

given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and neuter, and vice-versa. The term "shall" means mandatory and the term "may" means permissive. The following terms shall have the definitions given to them:

Cannabinoid. Any edible cannabinoid product or nonedible cannabinoid product authorized for sale in Minnesota Statute.

Cannabidiol/CBD. Any non-intoxicating cannabidiol not containing tetrahydrocannabinol (THC)

Cannabinoid-related devices. Any equipment, products or materials of any kind which are used, intended for use, or designed for use in repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body.

Certified hemp. Hemp plants that have been tested and found to meet the requirements of Minnesota Statute Chapter 18K and the rules adopted thereunder by the state of Minnesota.

Compliance checks. The process or protocols the city uses to investigate and ensure that those authorized to sell Cannabinoid products are following and complying with the requirements of law. Compliance checks shall involve the use of persons under the age of 21 as authorized by this article. Compliance checks shall also mean the use of persons under the age of 21 who attempt to purchase cannabinoid products for educational research and training purposes as authorized by state and federal law. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state or local laws and regulations relating to cannabinoid products.

Delivery sale. The sale of any cannabinoid products to any person for personal consumption and not for resale when the sale is conducted by any means other than an in-person, over-the-counter sales transaction in a licensed retail establishment. Delivery sale includes, but is not limited to, the sale of any cannabinoid products when the sale is conducted by telephone, other voice transmission, mail, the internet, or app-based service. Delivery sale includes delivery by licensees or third parties by any means, including curbside pick-up.

Edible Cannabinoid product. Any product authorized for sale under Minn. Stat. 151.72 that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.

Exclusive Cannabinoid/Tobacco store. A brick and mortar retail store which derives a majority of its revenue from tobacco, tobacco products, CBD, and/or cannabinoid products and which cannot be entered at any time by persons younger than 21 years of age except as provided herein.

Exclusive Liquor Store. An establishment that meets the definition of exclusive liquor store in Minnesota Statutes, section 340A.101, subdivision 10.

Hemp. The plant *Cannabis sativa* L. and any part of the plant, whether growing or not, including the plant's seeds, and all the plant's derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis. Industrial hemp is not marijuana as defined in Section 152.01, subdivision 9.

Label. The meaning given in Minnesota Statute Section 151.01, subdivision 18.

Labeling. All labels and other written, printed, or graphic matter that are:

- (1) affixed to the immediate container in which a product regulated under this Article is sold;
- (2) provided, in any manner, with the immediate container, including but not limited to outer containers, wrappers, package inserts, brochures, or pamphlets.; or
- (3) provided on that portion of a manufacturer's website that is linked by a scannable barcode or matrix barcode.

Licensee A human person licensed under this Article.

Licensee's clerk. A person employed by a licensee to work at a sales or service counter or otherwise make sales to the licensee's customers.

Marijuana. All parts of the plant of any species of the genus *Cannabis*, including all agronomical varieties, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

Matrix Barcode. A code that stores data in a two-dimensional array of geometrically shaped dark and light cells capable of being read by the camera on a smartphone or other mobile device.

Minor. Any person who has not yet reached the age of 18 years.

Moveable place of business. Any form of business operated out of a truck, van, automobile, trailer, 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.

Nonedible Cannabinoids. Include, but are not limited to tablets, capsules, solutions, tinctures, or other products meant for oral administration/ingestion; creams, lotions, ointments, salves, or other products meant for topical administration; products meant to be inhaled, smoked, vaped, sprayed into nostrils, or insufflated (sniffed); and hemp flowers and buds.

Nonintoxicating Cannabinoid. Substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by any route of administration.

Public Place. All areas within the City except the following:

- (1) Private residences, including the curtilage and yard;
- (2) Private property not generally accessible by the public, unless a person is explicitly prohibited from consuming the products described herein by the owner of the property; and
- (3) The premises of an establishment or event licensed by the City to permit on-site consumption of the products described herein.

Retail establishment. Any place of business where cannabinoid products or cannabinoid- related devices are available for sale to the general public. The phrase shall include but not limited to, grocery stores, convenience stores, restaurants and drugstores.

Sale. Any transfer of goods for money, trade, barter or other consideration.

Self-service merchandising. Open displays of licensed product in any manner where any person shall have access to the licensed product without the assistance or intervention of the licensee or the licensee's employee. Such assistance or intervention shall involve the actual physical exchange of the licensed product between the customer and the licensee or employee. Self-service sales are interpreted as being any sale where there is not an actual physical exchange of the product between the clerk and the customer. "Self-service merchandising" shall not include vending machines.

THC. Abbreviation for tetrahydrocannabinol.

Vending machine. Any mechanical, electric or electronic, or other type of self-service device which, upon the insertion of money, tokens or other form of payment, dispenses the licensed product and includes vending machines equipped with manual, electric or electronic locking devices.

§119.04 License.

No person shall sell or offer to sell any cannabinoid products or cannabinoid-related devices without first having obtained a license to do so from the City.

- (a) *Application.* An application for a license to sell cannabinoid products or cannabinoid- related devices shall be made on a form provided by the city and filed, along with all required fees, with the city clerk. The investigation fee is applied to the city's costs of the background investigation of the retail establishment and all person or entities that have at least a five percent financial interest in the retail establishment. The property must be in compliance with all applicable laws and ordinances. The public safety department shall conduct the background investigation before consideration by the city. All applications shall thereafter be considered and approved or denied by the city council.

(1) *All applicants:*

- a. Whether the applicant/owner is an individual, corporation, partnership, or other form of organization;
- b. Full name, address, date and place of birth, and telephone number of the applicant, all owners and operators, including the designated on-site manager or agent of the applicant;
- c. The address of the premises where the retail establishment is to be located if proposed to have a fixed location in which the retail services are provided and if the applicant does not own the premises, a copy of the lease agreement to occupy the premises;
- d. Statement of whether all taxes and special assessments due and owing on the premises or ~~at~~ which the applicant proposes to operate

the licensed business are current, and if taxes are delinquent, the years for which the taxes on the premises are delinquent (this information is required by the applicant only if the applicant or other entity in which the applicant has an interest has the legal duty to pay said property taxes or assessments due and owing);

- e. The name of the business if the business is to be operated under a name or designation other than the name of the applicant. This shall be accompanied by a certified copy of the certificate required by Minn. Stats. §§ 333.01 and 333.02;
- f. Proof of general liability insurance;
- g. The applicant shall produce at time of filing application the applicant's proof of identification which may be established only by one of the following:
 - 1. A valid driver's license or identification card issued by Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the license person;
 - 2. A valid military identification card issued by the United States Department of Defense;
 - 3. A valid passport issued by the United States; or
 - 4. In the case of a foreign national, by a valid passport.

For purposes of proof of identification, the "applicant" shall mean the on-site manager or agent for a retail establishment filing the application and the natural person signing the application for a cannabinoid product license;

- h. The application shall identify the full name, address, date and place of birth, and telephone number of the natural person, designated by the applicant as the cannabinoid product business's on-site manager or agent, along with the notarized written consent of such a person to: (1) take full responsibility for the conduct of the license premises operation; and (2) serve as agent for service of notices and other process relating to the licenses;
- i. With respect to the owner, operator, or any person who has a five percent financial interest in the proposed licensed cannabinoid product sales business and the appointed on-site manager or agent of the applicant, information as to any and all criminal convictions of any state, county, or local law or regulation;
- j. Proof of Workers' Compensation Insurance as required by Minnesota law; and
- k. Information as to any and all criminal conviction(s) of any state, county, or local law or regulation;
- l. Such other information as the city shall require.

- a. The full name, address, date and place of birth, and telephone number of the applicant;
- b. Whether the applicant and on-site manager or agent have ever used or have been known by a name other than his or her name on the application, and if so, the name or names used and information concerning dates and places were used;
- c. Whether the applicant is a United States citizen or is legally permitted to be in the United States and providing proof thereof;
- d. The street and city addresses at which the applicant and on-site manager or agent lived during the preceding ten years;
- e. Names, addresses, and date of the applicant's and on-site manager's or agent's employers for the preceding ten years;
- f. Whether the applicant and on-site manager or agent have ever been engaged in the operation of cannabinoid and/or tobacco product sales. If so, they shall furnish information as to the name, place, and length of time of the involvement in such an establishment; and
- g. Such other information as the city shall require.

(3) *Partnerships:*

- a. The full name(s), address(s), date and place of birth, financial interest of all general partners and all of the information concerning each general partner that is required of applicants in provision (2) of this section;
- b. The full names(s), addresses, date and place of birth, and telephone number of the manager partner(s) and the interest of each managing partner in the business;
- c. A copy of the partnership agreement shall be submitted with the application.
The license shall be issued in the name of the partnership; and
- d. Such other information as the city shall require.

(4) *Corporations and other organizations:*

- a. The name of the corporation or business firm, and if incorporated, the state of incorporation;
- b. A copy of the certificate of incorporation shall be attached to the application. If the applicant is a foreign corporation, a certificate of authority as required by Minn. Stats. § 303.06, shall be attached;
- c. The name of the manager(s), proprietor(s) or other agents(s) in charge of the business and all of the information concerning each manager, proprietor, or agent that is required of applicants in provision (2) of this section;
- d. A list of all persons who own or have a five percent or more interest in the corporation or organization or who are officers of said corporation or organization, together with their addresses and all the information regarding such persons as is required in paragraph (2) of this section; and

- e. Such other information as the city shall require.
- (b) *Action.* 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.
- (c) *License period and renewal.* A license issued under this chapter shall be an annual license, expiring on December 31 of each year.

Any existing business selling cannabinoid products within the city as of the effective date of this article, shall file all required license applications hereunder, along with the license and investigation fees, no later than October 1, 2023.

A license may be annually renewed, provided the licensee complies with the renewal application process as follows:

- (1) The licensee shall complete the renewal application materials provided by the city;
 - (2) The completed renewal application materials, along with the license fee, shall be filed with city clerk no later than November 30 of the renewal year;
 - (3) The licensee shall provide all information regarding business ownership interest. If ownership interests have changed, an additional investigation fee is required.
- (d) *License and investigation fees.* The license and investigation fees may be established by the City Council in the Ordinance Establishing Fees and Charges for any licenses it is authorized to issue.
 - (1) All licenses shall expire on the last day of December in each year. Each license shall be issued for a period of one year, except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rata fee. In computing such fee, any unexpired fraction of a month shall be counted as one month.
 - (e) *Revocation or suspension.* Any license issued under this article may be revoked or suspended as provided in section 119.13 violations and penalties, of this article.
 - (f) *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(s) or entity to whom the license was issued. Any attempt at transfer to another location, person, or entity shall invalidate the license.

It is the duty of each business licensee to notify the City in writing of any change in ownership in the business. Any change in the ownership or control of the business shall be deemed equivalent to an attempt to transfer the license, and any such license shall be revoked 30 days after any such change in ownership or control unless the licensee has notified the City of the change in ownership by submitting a new license application for the new owners, and the Council has approved the new license.

Any time an additional investigation is required because of a change in ownership or control of a business, the licensee shall pay an additional investigation fee to be determined by the City. The City may at any reasonable time examine the transfer records and minute books of any business licensee to verify and identify the owners, and the City may examine the business records of any other licensee to the extent necessary to disclose the interest which persons other than the licensee have in the licensed business. The Council may revoke any license issued upon its determination that a change of ownership of a licensee has actually resulted in the change of control of the licensed business so as materially to affect the integrity and character of its management and its operation, but no such action shall be taken until after a hearing by the Council on notice to the licensee.

- (h) *Moveable 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.
- (i) *Home business.* No license shall be issued to a home business.
- (h) *Display of license.*
 - (1) The license of the cannabinoid product sales establishment shall be displayed in an open and conspicuous place on the premises and shown to law enforcement officers upon request.
 - (2) All exclusive Cannabinoid/Tobacco store establishments shall post a notice prohibiting the entering of the store by persons under 21 years of age which notice shall be in plain view of the general public on the licensed public on the licensed premises. The notice shall be at least 8½ inch by 11 inch in size.
- (i) *Issuance as privilege and not a right.* 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.
- (j) *Exclusive liquor store.* Pursuant to Minnesota Statute, section 340A.412, subd. 14, no license shall be issued to an exclusive liquor store.
- (k) No license shall be granted for any business in which the principal building is within 1,000 feet of any school or 500 feet of a licensed day care center, park, playground or athletic field.
- (l) No license will be approved unless the premises proposed to be licensed complies with all applicable zoning requirements.
- (m) Refunds. No part of the fee paid for any license issued under this Article shall be refunded except in the following instances upon application to the City within 30 days from the happening of the event. Upon written request, a pro rata share, based on the number of months the business ceases to conduct business, of an annual license fee for a retail license, may be refunded to the licensee or to the licensee's estate if:
 - (1) The business ceases to operate because of destruction or damage;
 - (2) The licensee dies;
 - (3) The business ceases to be lawfully for a reason other than a license

revocation;

- (4) The licensee ceases to carry on the licensed business under the license; or
- (5) The business ceases to operate, or is unable to fully use its license to operate, because of a declared local, state or national emergency. A written request by the licensee is not required.

§119.05 Basis for denial of license.

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 section.

- (a) The applicant or owner(s) is under the age of 21 years.
- (b) The applicant, owner(s), the appointed on-site manager or agent of the applicant, or any person who has at least five percent interest in the proposed licensed business has a:
 - 1. Conviction for, or was charged with, but convicted of a lesser charge of a crime, or is under a stay of adjudication from a charge involving a violation of any cannabinoid and/or tobacco related regulation in any other jurisdiction, theft, felony drug offense, any crime of violence as defined by Minnesota Statutes, or any other similar crime or offense within five years of the date of application; and/or
 - 2. Three (3) or more license violations, citations, fines, or administrative penalties issued by the City of Cambridge or any other jurisdiction within the preceding five (5) years relating to cannabinoids, tobacco, or alcohol related ordinances, laws, or regulations for a business owned or operated by the applicant, owners, manager, or agent.
- (c) The applicant or owner(s) has had a license to sell cannabinoid and/or tobacco products suspended or revoked, in the City of Cambridge or in any other place, within the preceding 10 years of the date of application.
- (d) The applicant or owners(s) fails to provide any information required on the application, or provides false or misleading information.
- (e) The cannabinoid sales business is proposed to be operated on premises on which property taxes, assessments, or other financial claims by the state, county or city are due, delinquent, and unpaid, provided the applicant or owner(s) or other entity in which the applicant or owner(s) has an interest has the legal duty to pay said taxes, assessments, or claims due and owing.
- (f) The applicant or owner(s) was charged with a crime that if convicted would render them ineligible for a license under this chapter but entered into a plea agreement providing for the continuance of the charge for dismissal or other delayed disposition. In such case the applicant shall be disqualified and ineligible for a license under this chapter until such time as the charge is finally dismissed.
- (g) The applicant or owner(s) has been denied a license under this chapter

within the preceding 12 months.

- (h) The applicant is a business that does not have an operating officer or manager who is eligible pursuant to this chapter.
- (i) The application is for a home business or a moveable place of business.
- (j) Other unforeseen circumstances or conditions exist such that the issuance of a license may unreasonably endanger the health, safety, and welfare of the public.

§119.06 Prohibited Acts.

- (a) In general it shall be a violation of this article for any person to sell or offer to sell any cannabinoid products or cannabinoid-related devices:
 - (1) By means of any type of vending machine.
 - (2) By means of self-service merchandising.
 - (3) From any form of movable place of business.
 - (4) Containing controlled substances as defined in Minn. Stat. Ch. 152.
 - (5) By delivery sale.
 - (6) By any employee under the age of 18.
 - (7) To an obviously intoxicated person.
 - (8) By any other means or to any other person, prohibited by federal, state, or other local law, ordinance, provision, or other regulation.
- (b) Legal Age. No person shall sell any cannabinoid products or cannabinoid-related devices to any person under the age of 21 years.
 - (1) Proof of age for purchasing or consuming cannabinoid products or cannabinoid-related devices may be established only by that allowed by Minnesota Statute including but not limited to a valid driver's license or state identification card, a valid military identification card issued by the United States Department of Defense, or by a valid passport.
 - (2) Signage. Notice of the legal sales age and age verification requirement must be posted prominently and in plain view at all times at each location where licensed products are offered for sale. The required signage, which will 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.
- (c) Samples Prohibited. No person shall distribute samples of any licensed product free of charge or at a nominal cost. The distribution of cannabinoid products as a free donation is prohibited.
- (d) Hours of Sales. No sales of cannabinoid products will be allowed at the licensed premises after 10:00 p.m. and before 8:00 a.m. daily.

- (e) Self-Checkout. No sales of cannabinoid products or cannabinoid-related devices may be completed through self-checkout. A licensee or licensee's clerk must process each transaction at a point of sale.
- (f) Public Places. It is unlawful to use cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products, as defined in Minn. Stat. Section 342.01, in any public place anywhere in the City.
 - (1) Violation of this provision shall constitute a petty misdemeanor. Those found in violation will receive an \$80.00 citation for the first offense and a \$100.00 citation for any subsequent offense.

§119.07 Storage and Display.

It shall be unlawful for a licensee under this Article to allow the sale of cannabinoid products or cannabinoid-related devices by any means where by a customer may have access to such items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the cannabinoid product or cannabinoid-related devices between the licensee or his clerk and the customer. All cannabinoid product or cannabinoid-related devices shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public. This section does not apply to exclusive cannabinoid/tobacco stores.

§119.08 Responsibility.

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

§119.09 Pricing and Discounting.

- (a) Prohibition on the sale of cannabinoid products for less than the listed price. No cannabinoid retailer shall:
 - (1) Honor or accept a price reduction instrument in any transaction related to the sale of cannabinoid products to a consumer;
 - (2) Sell or offer for sale cannabinoid products through any multi-package discount or otherwise provide a consumer any cannabinoid products for less than the Listed Price in exchange for the purchase of any other cannabinoid product;
 - (3) Sell, sell at a discount, offer for sale, or otherwise provide any product other than cannabinoid products in exchange for or in consideration of the purchase of cannabinoid products;
 - (4) Sell for a nominal price or provide free of charge any cannabinoid product or cannabinoid-related devices; or
 - (5) Otherwise sell, offer for sale, or provide cannabinoid products for less

than the Listed Price. In addition, cannabinoid retailers must sell, offer for sale, or provide cannabinoid products for the same listed price every day of the week in a given week.

§119.10 Compliance checks and inspections.

All licensed premises shall be open to inspection by the city public safety officers, 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, with the written consent of their parents or guardians for individuals under age 18, persons over the age of fifteen (15) years but less than twenty one (21) years, to enter the licensed premises to attempt to purchase cannabinoid products. Persons used for the purpose of compliance checks shall be supervised by city designated public safety officers or other authorized city official. Persons used for compliance checks shall not be guilty of the unlawful purchase or attempted purchase or the unlawful possession cannabinoid products when such items are obtained as part of the compliance check. Nothing in the section shall prohibit the city from conducting compliance checks in accordance with state and federal law.

§119.11 Criminal acts.

Unless otherwise provided, the following acts shall be a misdemeanor.

- (a) *Sales.* It shall be a violation of this article for any person to sell any cannabinoid products to any person under the age of 21.
- (b) *Possession.* It shall be a violation of this article for any person under the age of 21 to have in his or her possession any cannabinoid product. This subdivision shall not apply to persons under the age of 21 lawfully involved in a compliance check.
- (c) *Use.* It shall be a violation of this article for any person under age 21 to use any cannabinoid product.
- (d) *Procurement.* It shall be a violation of this article for any person under age 21 to purchase or sell or attempt to purchase or sell or otherwise obtain any cannabinoid product and it shall be a violation of this article for any person to purchase or sell to or otherwise obtain such items on behalf of a person under the age of 21. It shall further be a violation for any person to coerce or attempt to coerce a person under the age of 21 to illegally purchase or otherwise obtain or use any cannabinoid product. This subdivision shall not apply to persons under the age of 21 lawfully involved in a compliance check.

§119.12 Violations.

- (a) *Administrative procedures.* Any violation of this article may be penalized by the issuance of an administrative citation and resolved in accordance with Chapter 38 Administrative Citations, of the City Code.
- (b) *Misdemeanor prosecution.* Nothing in this section shall prohibit the city from seeking criminal prosecution under Minnesota Statutes. Whoever violates any provision of this article shall be guilty of a misdemeanor. If the city elects to seek misdemeanor prosecution, no administrative

- penalty shall be imposed.
- (c) *Continued violation.* Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

§119.13. Penalties.

- (a) *Licensees.* Any retail license or permit issued or approved under this chapter shall be suspended for a period of time determined by subsection (b) or revoked upon finding that within one calendar year, the retail licensee is responsible for three violations which fail to comply with applicable statutes, rule or article related to the sale, possession and use of cannabinoid products or cannabinoid-related devices. No suspension or revocation shall take effect until the licensee or permit holder has received proper notice and has been afforded an opportunity for a hearing before the city's selected impartial examiner. The city council may impose penalties provided in this Article on the retail licensee who sells cannabinoid products or cannabinoid-related devices products as defined in this article to any persons under the age of 21 years. Nothing in this section shall prohibit the city from seeking an administrative penalty as provided by resolution of the city council.
- (b) *Penalty terms.* If a licensee or an employee of a licensee is found to have violated this article, the licensee shall be subject to an administrative penalty as follows:
- (1) First violation: The city shall impose a civil fine of \$500.
- a. In addition, the city may suspend the license for a period up to 60 days. The city may agree with the licensee to waive up to ten days of suspension at a rate of two days for every eight hours of community service performed by the licensee's employee.
- (2) Second violation: The city shall impose a civil fine of \$1,000.
- a. In addition, the city may suspend the license for a period up to 90 days. The city may agree with the licensee to waive up to ten days of suspension at a rate of two days for every eight hours of community service performed by the licensee's employee.
- (3) Third violation: The city shall impose a civil fine of \$2,000 and suspend the license for a minimum period of 180 days, not to exceed one year.
- (c) *Other individuals.* Other individuals, other than persons under the age of 21 regulated by this chapter, found in violation of this article shall be charged an administrative penalty as provided by ordinance of the city council.

§119.14. Severability.

If any section or provision of this ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

This ordinance shall take effect from and after its passage and publication as required by law.

Adopted by the City Council on the 21st day of August, 2023.

James A. Godfrey, Mayor

Attest:

Evan C. Vogel, City Administrator

Summary Publication

Ordinance 772 replaces Chapter 119 Cannabinoid Sales in its entirety. It outlines standards for certain cannabinoid products licensing and sales. A complete copy of the ordinance is available at City Hall, 300 3rd Avenue NE, Cambridge for inspection.

ATTEST:

Evan C. Vogel
City Administrator



COLUMBUS *Minnesota*

Rural Nature. Urban Access.

JOINT PLANNING COMMISSION AND CITY COUNCIL MEETING

CANNABIS UPDATE

FEBRUARY 21, 2024

Chapter 63- H.F. No. 100

- Creates an Office of Cannabis Management to regulate and license cannabis and hemp businesses, along with a 50+-member Cannabis Advisory Council.
- Licenses adult-use retailers, cultivators, wholesalers, manufacturers, microbusinesses, mezzobusinesses, event organizers, delivery services, transporters, and labs; plus medical cannabis licensees.
- Allows on-site use at areas run by microbusinesses, but not smoking or vaping.
- Regulators will determine the number of cannabis licenses of each type to issue.
- Issue cannabis licenses based on a scored application system.
- At least 20% of points are for social equity status (living in an area with disproportionate arrests or higher poverty for five years, or dishonorable discharge based on cannabis) or individuals directly impacted by prohibition.
In some cases, vertical integration (owning both a cultivation or manufacturing facility and retailer) is prohibited, but not for micro- or mezzo-businesses.

Recent Updates from OCM

- Hiring for Executive Director- expanded to a national search
- Study on Consumers and Demand in Minnesota
 - Participants reported obtaining an average of 24.8 grams of cannabis within the past month, which is slightly higher than the national average and proximate Midwest states with adult-use laws such as Michigan and Missouri, suggesting a robust market for cannabis-related businesses.
 - 83% of qualified participants (i.e., past-year cannabis consumers) consumed cannabis at least once a month and 40% consumed cannabis daily or almost daily.
 - 25% percent of the sample reported cultivating cannabis at home, with an average of two cannabis plants grown at a time.
 - Over 50% of the sample reported using at least one alternative cannabinoid (e.g., CBD, Delta-8 THC, Delta-10 THC) within the past month, and 68% indicated use of these alternatives in the past.
 - Participants reported obtaining a majority of their cannabis from a dealer (17.6%), friends and family (16.6%), or an adult-use dispensary (lower-potency hemp edible retailers) (16.1%).

Licensing Types and Timeline

- Vertically Integrated: Micro/Mezzo Business
- Manufacturers
- Cultivators
- Retailer
- Wholesaler
- Hemp Producers
- Medical Providers

Each type of business is subject to different licensing requirements, production or sale caps, security protocols

Local Control

Permitted Regulations/Fees

- Time, place, manner restrictions on operations of both retail and production facilities
- Collect fees as determined by state law
- Limit the number of licensed retailers
- Limit Cannabis pop-up events through reasonable time, place and manner restrictions
- Collect/benefit from taxes

New requirements for City

- Confirm operator compliance with local code
- Impose and collect retail fees

Code Updates

- Retail License Limitations
 - Municipal Operations
- Multifamily Residential – broader smoking regulations
- Liquor License Updates
 - Limit issuance of a new license for prior cannabis violations
- Tobacco License Updates
 - City may revoke tobacco license for unlicensed sale of marijuana or hemp edibles
- Cannabis Events- special event standards
- Hemp versus Cannabis (Hemp currently regulated by MDH- change from Board of Pharmacy)

Memorandum

To: Columbus City Council; Planning Commission

From: Megan Rogers, Assistant City Attorney; Doug Junker, Municipal Licensing Specialist

Date: February 16, 2024

Re: Cannabis Licensing and Zoning

In August of 2023, Minnesota approved the cultivation, manufacturing, and sale of adult-use cannabis (the “Legislation”).¹ The Legislation calls for the formation of the Office of Cannabis Management (OCM) who is tasked with the development of rules, licensing, and enforcement for this new industry.

I. Licensing Types and Development Timeline.

Cannabis is legal for individuals to possess, use, and grow in Minnesota today, subject limitations related to the amount possessed or produced. Home growth is permitted for up to eight cannabis plants of which up to four may be “mature” or “flowering” plants. Home growth of cannabis must be in an enclosed, locked space that is not open to public view.

Cannabis may not be sold until the OCM grants the seller a license and before beginning sales, a retailer must obtain a local retail registration. The OCM is seeking authorization during this legislative session to issue licenses for producers starting this fall so that retail products will be available in early 2025. The Legislation and the City’s currently moratorium contemplate that retail sales will begin in the first quarter of 2025.

The Legislation contemplates the following license types:

License Type	Application Fee	Initial License Fee	Renewal fee	License
Cannabis Microbusiness ²	\$500	N/A	\$2000	
Cannabis Mezzobusiness	\$5,000	\$5,000	\$10,000	
Cannabis Cultivator	\$10,000	\$20,000	\$30,000	
Cannabis Manufacturer	\$10,000	\$10,000	\$20,000	

¹ Available for review: www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/63/

² Mezzo and Micro businesses are vertically integrated cannabis producers- grow, produce, and sell the product

Cannabis Retailer	\$2,500	\$2,500	\$5,000
Cannabis Wholesaler	\$5,000	\$5,000	\$10,000
Cannabis Transporter	\$250	\$500	\$1,000
Cannabis Testing Facility	\$10,000	\$10,000	\$20,000
Cannabis Event Organizer	\$750	\$750	N/A
Cannabis Delivery Service	\$250	\$500	\$1,000
Lower Potency Hemp Edible Manufacturer	\$250	\$1,000	\$1,000
Lower Potency Hemp Edible Retailer	\$250/retail location	\$250/retail location	\$250/retail location
Medical Cannabis Cultivator	\$250	\$0	\$0
Medical Cannabis Processor	\$250	\$0	\$0
Medical Cannabis Retailer	\$250	\$0	\$0
Medical Cannabis Combination Business	\$10,000	\$20,000	\$70,000

II. Legal Authority to Regulate Cannabis Businesses Through Ordinance Revisions Including Zoning and Licensing.

Cities may not prohibit the possession, transportation, or use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products authorized by the new law. The City may not require cannabis specific licenses. Under the process proposed, an applicant will: 1) submit an application to the OCM, 2) the OCM will complete its review, and 3) forward the application to the City to confirm compliance with zoning, fire and building codes. The OCM may not issue a license to a cannabis business that does not meet local zoning and land use laws, but the Legislation restricts the scope of zoning revisions a city can implement.

a. Licensing Process and Requirements.

The City is *required* to register retail sellers and perform compliance checks on licensed cannabis businesses. The OCM is in the process of preparing standardized forms and training modules for this work. The City may impose an initial retail fee of \$500 or up to half the amount of the initial license fee charged by the OCM, whichever is less. The City may also charge a renewal retail registration fee of \$1,000 or up to half the amount of the applicable renewal license fee charged by OCM, whichever is less.

The City must issue a retail registration to a cannabis retail business so long as:

- The retailer has a valid conditional license from the OCM.
- Has paid the registration fee.
- Is in compliance with the requirements of the applicable state laws based on the preliminary compliance check performed by the City.
- Is current on all property taxes and assessments.

However, the City may, by ordinance, limit the number of licensed cannabis retailers, cannabis mezzo businesses with retail operations, and cannabis micro businesses to one registration for every 12,500 residents. If Anoka County (and other cities within Anoka County) issue one active license per 12,500 County residents, the City is not obligated to register any additional cannabis businesses.

b. Zoning Authority.

The City may adopt “reasonable restrictions” on the time, place, and manner of the operations of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses. Cities may prohibit the operations of a cannabis business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field. The OCM has pledged to develop a model ordinance for reasonable restrictions on time, place, and manner of a cannabis business.

Just like retail businesses, commercial farming operations are licensed and regulated by OCM. Because we anticipate that growing licenses will be the first to be released, staff recommends studying potential time, place, and manner restrictions for agricultural properties that may be well suited for growing. We anticipate that the model OCM will implement for farmers will be similar to the Industrial Hemp Program (IHP) currently operated by the Department of Agriculture. The IHP does not preempt local zoning ordinances as part of its licensing process.

The City has adopted a moratorium prohibiting the sale, manufacturing and distribution of adult-use cannabis. We recommend that the City Council and Planning Commission carve out additional time at upcoming joint sessions this spring and summer to hear public feedback on where cannabis retail and agricultural operations should be permitted within the City’s zoning districts and appropriate time, place and manner restrictions for the proposed use.

c. Associated Ordinance Revisions.

The Legislation protects “cannabis events” allowing cannabis themed pop-ups or festivals for no more than four days. The City may update its special event permit and accompanying code section to set additional standards which an event organizer must meet. Cities are not required to permit on-site consumption for these events.

III. **Taxation of cannabis products.**

a. Retail Sales.

The Legislation authorizes a tax equal to 10% of gross receipts from retail sales of “taxable cannabis products.” Taxable cannabis products means any product with cannabis in it

(flower/solution), hemp-derived consumer products, lower potency hemp edibles and similar items. Cities are prohibited from imposing a tax solely on the sale of cannabis products, but the state and local sales taxes must be charged in addition to the cannabis tax. The Department of Revenue provides the following illustration of how these products are taxed:

ITEM	AMOUNT
Gummies (taxable)	\$5
Hat (non-taxable)	\$5
General Rate Tax (6.875%)	\$0.34
Cannabis Tax (10%)	\$0.50
Total Tax	\$0.84
Total	\$10.84

Revenues from the retail sales of cannabis products will be divided, with 80% going to the state of Minnesota and 20% to a local government cannabis aid account in a special revenue fund ("Local Aid"). Beginning with Local Aid payable in 2024, the total aid available statewide will equal the balance in the local government cannabis aid account in the special revenue fund as of the close of the previous fiscal year. Under this model, the City would see these dollars in the 2025 tax year. Cities and counties share in the "Local Aid" pool. The aid available to cities is distributed proportionally *based on the number of cannabis businesses located in each city* as compared to the number of cannabis businesses in all cities.

b. Property Tax Impacts.

The Legislation classifies property used for raising, cultivating, processing, or storage of cannabis plants, cannabis flower, or cannabis products for sale as class 3 commercial, industrial, or utility property. As class 3, this property is subject to the state general property tax levy on commercial-industrial property. The act is effective beginning with taxes payable in 2024.

IV. City Policy Considerations and Ordinance Revisions

a. Fee Schedule Updates: Retail Registration.

b. Municipal Operations.

The Legislation authorizes the City to operate its own cannabis retail store. Osseo and Cook County are currently debating whether to open municipal cannabis shops. Because cannabis is still a prohibited substance under federal law, the City would need to navigate

whether municipal operations could impact federal grant compliance, how to collect funds from cannabis sales, and potential state restrictions on use of local revenue.

c. Zoning Ordinance Updates.

- Retail Sales
- Cultivation
- Research and Development

d. Other City Code Impacts.

- Ordinance restricting the number of retail licenses
- Parks Ordinance- smoking in public spaces (*Adopted August 9, 2023*)
- Multifamily Residential
- Smoking and vaping within multifamily buildings is banned via the Legislation
- Liquor Licensing Updates
- New licensee disqualification standards
- Cannabis Events- ordinance standards
- City employment and personnel issues

Approval Policy for Planning Commission Public Hearing Recommendations

Purpose:

The purpose of this policy is to ensure a thorough review of comments and discussion from the Planning Commission on Public Hearing matters prior to their submission of a recommendation to City Council. This can be achieved by requiring a two - week waiting period before any Planning Commission consideration on recommendations for City Council. This waiting period allows the Planning Commission the time to thoroughly review the Public Hearing subject and provides a definitive schedule for any concerns or issues to be addressed before the final decision on the matter is voted upon.

Policy Statement:

Following the conclusion of a Public Hearing, the Planning Commission shall wait a minimum of two weeks before making a recommendation to the City Council on the matter under consideration.

This waiting period shall commence upon the completion of the Public Hearing and continue until the following regularly scheduled Planning Commission Meeting. In the case of a three - week interval between Planning Commission Meetings, a Special Meeting may be called, if necessary, to minimize the time period for action on the matter. This procedure will provide adequate time for the Planning Commission to review and develop a recommendation.

Procedures:

- a.) The Planning Commission shall hold and take comments at Public Hearings and schedule these items for discussion and approval of a recommendation to the City Council at the next regular Planning Commission Meeting.
- b.) During the waiting period, the Planning Commission shall give due consideration to all public input received from the Public Hearing, staff advice and may conduct additional outreach or research as necessary to support thorough consideration of the matter before them.
- c.) The Planning Commission shall document their findings, including a summary of public input considered and the rationale for its decision. This documentation shall be provided in the staff report submitted to the City Council regarding this matter.

Exceptions:

- a.) The waiting period may be waived by City Council in cases of emergency or when time-sensitive decisions are required to prevent significant harm or loss to the applicant or the City.
- b.) The Planning Commission may extend the waiting period requirement beyond two weeks if additional time is needed for further review or research. However, extensions must remain within the limits of the 60 - Day Rule and documented to justify the decision.

In exceptional circumstances where urgent action is required to protect public health, safety, or welfare, the Planning Commission may make a recommendation to the City Council requesting action before the two-week waiting period has elapsed. Any such recommendation shall be accompanied by a statement justifying the need for expedited action.

Implementation:

This policy shall be implemented immediately upon approval by the City Council. The City Clerk shall be responsible for ensuring compliance with the waiting period and shall notify the Council, Planning Commission and the public of any exceptions or extensions granted.

Review and Amendment:

This policy shall be subject to periodic review and amendment by the City Council as necessary to ensure its effectiveness and alignment with the goals and priorities of the city.

Effective Date:

This policy shall take effect upon approval by the City Council and shall apply to all future recommendations from the Planning Commission unless otherwise specified.

DRAFT