

Member _____ moved and Member _____ seconded a motion that the following Ordinance, which was given its first reading on April 15, 2025, be given its second reading on this ___ day of May, 2025 and that it be adopted.

ORDINANCE 25-

AN ORDINANCE ADDING A NEW SECTION 1165 TO CHAPTER XI, BUSINESS AND TRADE REGULATIONS OF THE CITY CODE REGARDING THE REGISTRATION OF CANNABIS AND LOWER POTENCY HEMP EDIBLE PRODUCT BUSINESSES AND RELATED REGULATIONS INCLUDING FEES, AND AMENDING TEXT IN CHAPTER V, PLANNING AND LAND USE REGULATIONS, SECTIONS 520, 521, 525 FOR THE PUPOSE OF ESTABLISHING ZONING REQUIREMENTS FOR THESE STATE LICENSED CANNABIS BUSINESSES

THE CITY COUNCIL OF THE CITY OF ROBBINSDALE DOES ORDAIN:

- 1) That Robbinsdale’s city code Chapters V and XI, be amended with the following language:

Section 1165 – Adult-Use Cannabis Business and Low Potency Hemp Edible (LPHE) Product Retailer Registrations and Related Business Regulations

1165.01. Findings and purpose.

The purpose of this section is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes the city of Robbinsdale to protect the public health, safety, and welfare of Robbinsdale residents by establishing certain regulations for cannabis and LPHE businesses within the legal boundaries of the city for the following reasons:

- (a) Robbinsdale finds and concludes that registration and lawful land use regulations are appropriate and will promote the community’s interests in reasonable zoning and regulation of cannabis and LPHE product businesses including time, place and manner of operation regulations as allowed in state statute for the public good.
- (b) The city of Robbinsdale has the authority to adopt reasonable restrictions on the operation of cannabis businesses pursuant to Minn. Statute 342.13(c) for cannabis and LPHE product businesses provided that such restrictions do not prohibit the establishment of such businesses, and pursuant to Minn. Statute 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and LPHE edible retail businesses, and pursuant to Minn. Statute 152.0263, Subd. 5, regarding the use of cannabis and LPHE products in public places, and pursuant to Minn. Statute 462.357, regarding the authority of local authority to adopt zoning code ordinances.
- (c) The city of Robbinsdale is responsible for the administration and enforcement of this section. Any violation of the provisions or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this section

can occur regardless of whether a city registration or permit is required for a regulated activity referenced in this section.

1165.02. Definitions and interpretations.

Unless otherwise noted in this section, words and phrases contained in Minn. Stat. Chapter 342 and the rules promulgated thereunder, shall have the same meaning in this section. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a) “Office of Cannabis Management” means the Minnesota Office of Cannabis Management, referred to as “OCM” in this section.
- b) “Lower-potency Hemp Edible (LPHE) Product Retail Business” has a meaning as defined under Minn. Stat. 342.01.
- c) “State License” means an approved license issued by the State of Minnesota’s Office of Cannabis Management (OCM) to a cannabis or LPHE business per Minn. Statute Chapter 342.
- d) “Retail Registration” means an approved registration issued by the city of Robbinsdale to a state licensed cannabis retail business or LPHE product retail business.
- e) “Preliminary License Approval” means OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
- f) “Cannabis Business” means the same as “cannabis business” as defined in Minn. Statute 342.01.
- g) “Cannabis Retail Business” means any person, partnership, firm, or corporation that has a state license to sell cannabis products to a consumer and not for the purpose of resale in any form, excluding LPHE product retailers. May include a state licensed medical cannabis retailer business.
- h) “Cannabis Cultivation Business” means a cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flowers for sale to other cannabis businesses, including cannabis flowers to a cannabis manufacturer that may be located on the same premises, and perform other actions approved by the OCM, such as cannabis or hemp product manufacturing, distribution, product testing, product transportation and delivery, and/or product wholesaling.
- i) “Place of Public Accommodation” means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
- j) “Public Place” means a public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms;

meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.

- k) "School" means a public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.

1165.03. Registration of cannabis retail businesses and LPHE product retailer businesses.

Requirements for registration, fees and enforcement for cannabis retail and LPHE product businesses are as follows:

- (a) City Registration Required. No individual or entity may operate a state licensed cannabis or LPHE product retail business within the city of Robbinsdale without first registering with the city of Robbinsdale. Any state licensed cannabis or LPHE retail business that sells to a customer or patient without valid retail registration granted by the city shall incur a civil penalty of up to \$2,000 for each violation.
- (b) Application and issuance of city registration. An applicant for a retail registration shall fill out a city application form, as provided by the Robbinsdale city clerk. Said form shall include, but is not limited to the full name of the property owner and the applicant if different, the proposed owner and applicant's addresses, email address and telephone numbers, the proposed state licensed cannabis product business name, address, email, telephone number, parcel ID for the property which the retail registration is sought, and a certification that the applicant understands that they must comply with the requirements of local ordinances established pursuant to Minn. Stat. 342.13. The applicant shall include with the registration application form the registration fee as required by the city, and a copy of a valid state license or written notice from OCM of license preapproval. Once an application is considered complete, the Robbinsdale city clerk will notify the applicant and forward the application to the Robbinsdale city council for consideration approval or denial. The city registration application fee shall be non-refundable.
- (c) Preliminary compliance checks prior to retail registration. Prior to issuance of a cannabis retail business registration, the city shall conduct a preliminary compliance check to ensure compliance with local ordinances. Pursuant to Minn. Stat. Chapter 342, within 30 days of receiving a copy of a state license application form from OCM, Robbinsdale shall certify on a form provided by OCM whether a proposed cannabis or LPHE product retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.
- (d) Registration Application Fees. A registration fee, as established in Robbinsdale's fee schedule, shall be charged to applicants depending on the type of retail business license applied for. An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee. Any renewal retail registration fee imposed by Robbinsdale shall be charged at the time of the second renewal and each subsequent renewal thereafter. A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less. A medical cannabis product retail business operating an adult-use retail location may only be charged a single registration fee, not to

exceed the lesser of a single retail registration fee, defined under this section and related code requirements.

- (e) Approval and issuance of registration. The city shall issue a retail registration to a state licensed cannabis retail or LPHE product business that adheres to the requirements of Minn. Stat. 342.22. A state licensed cannabis retail business or LDHE product retail license registration application shall not be approved or renewed if the applicant is unable to meet the requirements of this section or other applicable city codes. A state licensed cannabis retail business or LPHE product retail business application that meets the code requirements of this section and other applicable city codes shall be approved.
- (f) Annual Compliance Checks. The Robbinsdale Police Department or its designee shall complete at minimum of one compliance check per calendar year of every cannabis business registered by the city to assess if the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24 and related city code. The Robbinsdale Police Department or its designee shall conduct at a minimum of one unannounced age verification compliance check at least once per calendar year. Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government. Any failures under this section must be reported to the OCM.
- (g) Location Change of Registered Cannabis Business. A state licensed cannabis retail business or LPHE product business shall be required to submit a new application for registration if it seeks to move to a new location still within the legal boundaries of Robbinsdale.
- (h) Renewal of Registration. The Robbinsdale city council shall consider renewal of an annual registration of a state licensed cannabis retail business and LPHE product retail businesses at the same time OCM renews the cannabis retail business' license. A state licensed cannabis or LPHE product retail business shall apply to renew registration on a form established by the Robbinsdale city clerk. A cannabis or LPHE product retail registration issued under this section shall not be transferred.
- (i) Renewal Fees. The Robbinsdale city council may charge a renewal fee for the registration starting at the second renewal, as established in Robbinsdale's fee schedule.
- (j) Suspension of registration. The Robbinsdale City Council may suspend a cannabis or LPHE product retail business's registration if it violates the ordinances of the city or poses an immediate threat to the health or safety of the public. The city of Robbinsdale shall immediately notify the registered retail business in writing the grounds for the suspension.
- (k) Notification of suspension to OCM. The city of Robbinsdale shall immediately notify the OCM in writing on the grounds for any registration suspension. OCM will provide the city of Robbinsdale and cannabis or LPHE product business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.
- (l) Length of suspension. The suspension of a cannabis or LPHE product retail business registration from the city may be for up to 30 calendar days, unless OCM suspends the

license for a longer period. The business may not make sales to customers if their registration is suspended.

- (m) The city of Robbinsdale may reinstate a registration if it determines that the violations have been resolved.
- (n) Civil Penalties. Subject to Minn. Stat. 342.22, subd. 5(e) the city of Robbinsdale may impose a civil penalty, as specified in the city of Robbinsdale's Fee Schedule, for registration violations, not to exceed \$2,000.
- (o) Limiting Cannabis Retail Business Registrations in the city. The city of Robbinsdale shall limit the number of cannabis retail businesses to no fewer than one registration for every 12,500 residents within the city of Robbinsdale's legal boundaries. The city of Robbinsdale shall limit the maximum number of cannabis retail businesses to two businesses within city limits. The city does not limit the number of LPHE product business registrations within city limits.

Section 1165.04. Requirements for cannabis businesses including buffer and zoning.

Minimum Buffer Requirements.

The city of Robbinsdale shall prohibit the operation of a cannabis businesses located within 300 feet of a school. Pursuant to Minn. Stat. 462.357 subd. 1e, nothing shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility, attraction with a public park that is regularly used by minors moves within the minimum buffer zone.

The city of Robbinsdale shall prohibit the operation of a cannabis retail business located within 500 feet of a another registered cannabis retail business. Noncompliance with this buffer requirement is grounds for denial of a new business registration application.

Zoning and Land Use.

State licensed, city registered cannabis retail businesses and LPHE product retail businesses are allowed to be located in the city's B-2 (Limited Community Business), B-3 (Highway Commercial), B-4 (Community Business), DD-1 (Downtown Business District) and DD-2 (Downtown transition and Transit District) zoning districts.

State licensed cannabis cultivation businesses and hemp cultivation businesses are allowed to be located within the city's B-W (Business Warehouse) district. This includes cannabis and hemp product manufacturers, product testing businesses, product transportation and delivery businesses, and cannabis and/or hemp product wholesalers.

Hours of operation for city registered cannabis retail and LPHE product businesses.

City permitted hours of operation for city registered cannabis product and LPHE product retail businesses are 8 am – 10 pm on Monday through Saturday, and from 11 am to 6 pm on Sundays.

If the city registered LPHE product retail business is also a city licensed on-sale liquor establishment such as a restaurant, the permitted hours of operation for on-sale product sales are 8 am - 2 am, Monday through Saturday and 10 am to 2 am on Sundays, with the LPHE products to be consumed on site.

Display of state license and city registration required.

All licenses and registrations pertaining to the cannabis retail business and LPHE product retail business must be posted and displayed in plain view of the general public on the business premises.

State licensed, registered cannabis retail business signs.

Cannabis retail businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business, unless otherwise limited by Robbinsdale's sign ordinances and Minn. Statute Chapter 342.

1165.05. City permit required for temporary cannabis or LPHE product special events. A state licensed and city registered cannabis business retailer or LPHE product business retailer may apply to the city for a temporary special event permit. The city approved special event permit is required and must be limited to a specific date, time, and location. A special event permit application fee shall be charged to all applicants and is non-refundable.

Temporary cannabis or LPHE product special event permit application procedure.

The special event application shall be made to the city clerk on an application form they provide to the applicant. Upon city review of the application, if the application is deemed incomplete by the city clerk, they shall notify the applicant in writing as to any deficiencies. The city council shall consider completed applications for temporary cannabis or LPHE product special events. The city council may restrict or prohibit any on-site consumption of cannabis or LPHE products at such special events. If there are public health, safety, or welfare concerns associated with a proposed temporary cannabis or LPHE product special event proposed, the city council may deny the approval of the permit. If the permit is not approved, the city shall notify the applicant of the standards not met and basis for denial.

1165.06. City of Robbinsdale as cannabis business and LPHE business retailer.

The City of Robbinsdale may establish, own, and operate a municipal cannabis retail business subject to any restrictions in city code. The municipal cannabis retail store shall not be included in any limitations that the city has established regarding the maximum number of allowable cannabis business retailers in the city. The city of Robbinsdale may also be registered for the sale of LPHE products at its retail store. The city of Robbinsdale shall be subject to all of the same retail license requirements and procedures applicable to all other applicants for such licenses and registrations including OCM rules and regulations.

1165.07. Use of cannabis and LPHE products in public prohibited.
No person shall use cannabis flower, cannabis products, lower-potency hemp edible products, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption for adult-use.

1165.01. Findings and purpose pertaining to Cannabis and LPHE Business Regulation.

1165.02. Definitions and interpretations.

11.65.03. Registration of cannabis and LPHE product retail businesses including fees.

11.65.04. Requirements for a cannabis business including buffer and zoning.

11.65.05. Temporary cannabis special event permits including fees.

1165.06. City of Robbinsdale allowed as cannabis business and LPHE product retailer.

1165.07. Use of cannabis and LPHE products in public is prohibited.

520.03 Zoning: Cannabis Businesses Allowed in Certain Business Districts.

521.01. Zoning: Cannabis Businesses Allowed in Downtown District-1.

521.03. Zoning: Cannabis Businesses Allowed in Downtown District -2.

525.01. Zoning: Cannabis Businesses Allowed in B-W, Business Warehouse District.

First Reading: YEAS:

NAYS:

Second Reading: YEAS:

NAYS:

PASSED BY THE CITY COUNCIL THIS ____ DAY OF MAY, 2025.

Brad Sutton, Mayor

ATTEST:

Chase Peterson-Etem, City Clerk