

ORDINANCE NO. 1044

AN ORDINANCE AMENDING CHAPTER 30 – HEALTH AND SANITATION OF THE CITY CODE

THE CITY COUNCIL OF THE CITY OF NORTHFIELD DOES ORDAIN THAT: (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Northfield Code, Chapter 30 – Health and Sanitation, is hereby amended to add a new Article III. – Sale of Edible Cannabinoid Products, as follows:

Secs. 30-78—30-100. Reserved.

ARTICLE III. SALE OF EDIBLE CANNABINOID PRODUCTS

DIVISION 1. GENERALLY

Sec. 30-101. State law adopted.

Except as further restricted or regulated by this chapter, the provisions of Minn. Stat. § 151.72 relating to the definition of terms, licensing, and all other matters pertaining to the retail sale, distribution and consumption of cannabinoid products are adopted and made a part of this chapter as if set out in full. Whenever there is an inconsistency between the provisions of Minn. Stat. § 151.72, as amended, and the provisions of this section, the more restrictive provision shall govern.

Sec. 30-102. Definitions.

The definitions in section 30-26 are applicable to this article, except where the context clearly indicates a different meaning. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certified hemp means hemp plants that have been tested and found to meet the requirements of Minnesota Statutes, chapter 18K and the rules adopted thereunder.

Edible cannabinoid products means products that are intended to be eaten or consumed as a beverage by humans, contain a cannabinoid in combination with food ingredients, are not a drug as defined in Minn. Stat. § 152.01, subd. 2, and are intoxicating cannabinoid products. For purposes of this article, edible cannabinoid products do not include nonintoxicating cannabinoid products as defined in Minn. Stat. § 151.72, subd. 3 (h), or medical cannabis as defined in Minn. Stat. § 152.22, subd. 6. 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.

Intoxicating cannabinoid products means products made from substances extracted from certified hemp plants that produces or have psychotropic and/or intoxicating effects when consumed by any method or route of administration and contain more than a trace amount, but not more than 0.3 percent, of any tetrahydrocannabinol (THC).

Nonintoxicating cannabinoid products means products and substances extracted from certified hemp plants that do not produce or have psychotropic and/or intoxicating effects when consumed by any method or route of administration.

Sec. 30-103. Violations and penalties.

The procedures for violations of this article and penalties shall be as provided in sections 30-27 and 30-28 of this code, except that any references to “tobacco license” contained therein shall be substituted to include “edible cannabinoid products license” instead.

Sec. 30-104. Conditions.

All licenses issued under this article shall be issued subject to the conditions set forth in this chapter and subject to all city ordinances and sections of this Code applicable thereto and the laws of the state. All other regulations contained in state law and city code, including but not limited to chapters 6, 14 and 30 of this city code, as applicable to a respective otherwise licensed business enterprise regarding operational requirements and restrictions and prohibited acts and sales, shall not be limited by virtue of issuance of a license under this article and shall be complied with as applicable to the otherwise licensed business enterprise selling or offering for sale edible cannabinoid products to the same extent as if edible cannabinoid products were not sold or offered for sale by the otherwise licensed business enterprise. All such regulations applicable to an otherwise licensed business shall remain applicable to the operations of the otherwise licensed business enterprise during the term of a license issued under this article.

Sec. 30-105. Exceptions and defenses.

Nothing in this article shall prevent the providing of edible cannabinoid products to a person under the age of 21 as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this article for a person to have reasonably relied on proof of age as described by state law in Minn. Stat. § 340A.503, subd. 6.

Sec. 30-106. Prohibited acts.

It shall be a violation of this article for any person to sell or offer to sell edible cannabinoid products as provided in sections 30-31 or 30-32 of this code, as applicable to edible cannabinoid products, except sections 30-31 (4) and 30-31 (5), and by any other means prohibited by federal, state, or other local law, ordinance, or other regulation.

Sec. 30-107. Self-service sales.

It shall be unlawful for a licensee under this article to allow the sale of edible cannabinoid products by any means whereby the 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 edible cannabinoid products between the licensee or the licensee's clerk and the customer. All edible cannabinoid products 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.

Secs. 30-108—30-115. Reserved.

DIVISION 2. LICENSE

Sec. 30-116. License Required.

No person shall sell or offer to sell, directly or indirectly, on any pretense or by any device, edible cannabinoid products as part of a retail commercial transaction within the corporate limits of the city without first having obtained the required license from the city.

Sec. 30-117. Application.

The procedures for and content of an application for a license under this article shall be as provided in section 30-62 of this code.

Sec. 30-118. Approval and basis for denial of license.

The procedures and grounds for approval or denial of a license under this article shall be as provided in sections 30-63 and 30-64 of this code, except that any references to “tobacco license” contained therein shall be substituted to include “edible cannabinoid products license” instead.

Sec. 30-119. Moveable place of business.

No license required under this article shall be issued to a moveable place of business. Only fixed-location businesses shall be eligible to be licensed under this article.

Sec. 30-120. Fees.

No license shall be issued under this article until the appropriate license fee shall be paid in full. The license fee shall be the amount duly established by resolution of the city council from time to time. The license fee shall not be prorated for licenses issued for less than a full year. The license fee shall be in addition any fee required by any applicable state agency and shall not exceed any statutory maximum.

Sec. 30-121. Investigation Fees.

At the time of each original application for a license and at the time of application for renewal of such license, the applicant shall also pay in full an investigation fee in such amount, not exceeding the maximum allowed by state law, as duly established by resolution of the city council from time to time. No part of any investigation fee shall be refunded unless an application is withdrawn before any action is taken thereon. At any time that an additional investigation is required because of a change of ownership or for any other reason, the applicant or licensee shall pay an additional investigation fee in such amount as duly established by resolution of the city council from time to time.

Sec. 30-122. Term.

All licenses issued under this article shall be valid until December 31 of the year of issue.

Sec. 30-123. Renewal.

The renewal of a license issued under this article shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days but not more than 90 days before the expiration of the current license. The issuance of a license under this division is a privilege and not a right of the applicant and does not entitle the holder to an automatic renewal of the license.

Sec. 30-124. Transferability.

Every license issued under this division shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid

Sec. 30-125. Responsibility of licensee.

Every person issued a license under this article shall be responsible for the actions of the licensee’s employees in regard to the sale of edible cannabinoid products, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the city from

also subjecting the licensee's employee(s) to whatever penalties are appropriate under this article, state or federal law, or other applicable law or regulation.

Sec. 30-126. Compliance checks and inspections.

The procedures for compliance checks and inspections for a license issued under this article shall be as provided in section 30-71 of this code.

Sec. 30-127. Display of license.

Each license issued under this article shall be posted/displayed in a conspicuous place in plain view of the general public on the premises for which it is issued.

Sec. 30-128. Revocation, suspension or non-renewal.

The procedures for revocation, suspension or non-renewal of a license under this article shall be as provided in section 30-73 of this code.

Sec. 30-129. Minimum clerk age.

Individuals employed by a licensed retail establishment under this article must be at least 21 years of age to sell edible cannabinoid products.

Sec. 30-130. Sampling and use prohibition.

Use, including use for the purpose of the sampling of edible cannabinoid products, is prohibited within the indoor area of any retail establishment licensed under this article. No person shall distribute samples of any edible cannabinoid product free of charge or at a nominal cost. The distribution of edible cannabinoid products as a free donation is prohibited.

Secs. 30-131—30-150. Reserved.

SECTION 2: This Ordinance shall take effect thirty days after its publication.

Passed by the City Council of the City of Northfield, Minnesota, this ____ day of _____ 2022.

ATTEST:

City Clerk

Mayor

First Reading: _____
Second Reading: _____
Published: _____

VOTE: ___POWNELL ___ALLEN ___GRABAU ___NESS
 ___PETERSON WHITE ___REISTER ___ZUCCOLOTTO