

**ORDINANCE #24-12
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

**AN ORDINANCE TO REGULATE CANNABIS BUSINESS WITHIN THE CITY OF
RAMEY, MINNESOTA, ANOKA COUNTY**

The City Council of Ramsey ordains:

SECTION 1. ADMINISTRATION

Chapter 26, Article XX is hereby established with the following:

10.1 Findings and Purpose

The **City Council** makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes **Ramsey** to protect the public health, safety, welfare of **Ramsey** residents by regulating cannabis businesses within the legal boundaries of **Ramsey**.

The **City Council** finds and concludes that the proposed provisions are appropriate and lawful land use regulations for **Ramsey** that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

10.2 Authority & Jurisdiction

The **City Council** has the authority to adopt this ordinance pursuant to:

- a) Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of

a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.

- b) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- c) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- d) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

10.3 Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

10.4 Enforcement

The **City of Ramsey** is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

10.5 Definitions

1. Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.
2. Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.
3. Cannabis Retail Businesses: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers.

4. Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
5. Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
6. Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.
7. Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
8. Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
9. Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
10. Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
11. Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.
12. Retail Registration: An approved registration issued by the **City of Ramsey** to a state-licensed cannabis retail business.
13. School: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
14. State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

Section 2. Registration of Cannabis Businesses

2.1

Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business within **Ramsey** without first registering with the city.

Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of \$2,000 for each violation.

Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government.

2.2 Compliance Checks Prior to Retail Registration

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, Ramsey shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

2.3 Registration & Application Procedure

2.3.1 Fees.

Ramsey shall not charge an application fee.

A registration fee, as established in Ramsey'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 Ramsey shall be charged at the time of the second renewal and each subsequent renewal thereafter.

A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.

A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

2.3.2 Application Submittal.

The City of Ramsey shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

(A) An applicant for a retail registration shall fill out an application form, as provided by the city. Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant;
- ii. Address, email address, and telephone number of the applicant;
- iii. The address and parcel ID for the property which the retail registration is sought;
- iv. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.

(B) The applicant shall include with the form:

- i. the application fee as required in [Section 2.3.1];
 - ii. a copy of a valid state license or written notice of OCM license preapproval;
- (C) Once an application is considered complete, the City Administrator or designee shall inform the applicant as such, process the application fees, and forward the application to the Community Development Department for approval or denial.
- (D) The application fee shall be non-refundable once processed.

2.3.3 Application Approval

- (A) A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 2.6.
- (B) A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
- (C) A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

2.3.4 Annual Compliance Checks.

The City of Ramsey Police Department shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under [Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24] and this section.

The Ramsey Police Department shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.

Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

Any failures under this section must be reported to the Office of Cannabis Management.

2.3.5 Location Change

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

2.4 Renewal of Registration

The **City of Ramsey** shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

A state-licensed cannabis retail business shall apply to renew registration on a form established by **the city**.

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

2.4.1 Renewal Fees.

The **city** may charge a renewal fee for the registration starting at the second renewal, as established **in Ramsey's rates and fee schedule**.

2.4.2 Renewal Application.

The application for renewal of a retail registration shall include, but is not limited to:

- Items required under Section 2.3.2 of this Ordinance.

2.5 Suspension of Registration

2.5.1 When Suspension is Warranted.

The **City of Ramsey** may suspend a cannabis retail business's registration if it violates the ordinance of the **city** or poses an immediate threat to the health or safety of the public. The **city** shall immediately notify the cannabis retail business in writing the grounds for the suspension.

2.5.2 Notification to OCM.

The **city** shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide **the city** and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

2.5.3 Length of Suspension.

The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. **Reinstatement of the registration is dependent on the determination for the OCM.** The business may not make sales to customers if their registration is suspended.

The city may reinstate a registration if it determines that the violations have been resolved.

The city shall reinstate a registration if OCM determines that the violation(s) have been resolved.

2.5.4 Civil Penalties.

Subject to Minn. Stat. 342.22, subd. 5(e) the city of Ramsey may impose a civil penalty, as specified in Ramsey's Fee Schedule, for registration violations, not to exceed \$2,000.

2.6 Limiting of Registrations

The City of Ramsey shall limit the number of cannabis retail businesses to no fewer than one registration for every 12,500 residents within city limits.

Section 3. Requirements for Cannabis Businesses

3.1 Minimum Buffer Requirements

The city shall prohibit the operation of a cannabis business within 1,000 feet of a school.

The city shall prohibit the operation of a cannabis business within 500 feet of a day care.

The city shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.

The city shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

The city shall limit the number of retail locations within the combined COR zoning districts to one (1) retail location. Outside the COR districts, a retail location must be at least 1,000 feet apart from another licensed retail premise, as measured between customer entrances.

Pursuant to Minn. Stat. 462.367 subd. 14, nothing in Section 3.1 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 within a public park that is regularly used by minors moves within the minimum buffer zone.

3.2 Zoning and Land Use

The following business types defined in this chapter are interpreted to be a part of the uses defined in Chapter 106 – Zoning Code:

3.2.1. Cultivation.

Cannabis businesses licensed or endorsed for cultivation are permitted as an agricultural use in the following zoning districts:

- RR – Rural Residential District (indoor or outdoor)
- MR – MUSA Reserve District (indoor or outdoor)
- I-1 – Light Industrial District (indoor only)

- I-2 – General Industrial District (indoor only)

3.2.2. Cannabis Manufacturer.

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a manufacturing use in the following zoning districts:

- I-1 – Light Industrial District
- I-2 – General Industrial District

3.2.1. Hemp Manufacturer.

Businesses licensed or endorsed for low-potency hemp edible manufacturers permitted as a manufacturing use in the following zoning districts:

- I-1 – Light Industrial District
- I-2 – General Industrial District

3.2.2. Wholesale.

Cannabis businesses licensed or endorsed for wholesale are permitted as a wholesale sales use in the following zoning districts:

- I-1 – Light Industrial District
- I-2 – General Industrial District

3.2.2. Cannabis Retail.

Cannabis businesses licensed or endorsed for cannabis retail are permitted as retail sales in the following zoning districts:

- COR Zoning Districts
- B-2 – Community Business District
- B-3 – Regional Business District
- I-1 – Light Industrial District
- I-2 – General Industrial District
- Those portions of COR and PUD approved and designed for retail sales

3.2.1. Cannabis Transportation.

Cannabis businesses licensed or endorsed for transportation are permitted as a warehousing use in the following zoning districts:

- I-1 – Light Industrial District
- I-2 – General Industrial District

3.2.2. Cannabis Delivery.

Cannabis businesses licensed or endorsed for delivery are permitted as a warehousing use in the following zoning districts:

- I-1 – Light Industrial District
- I-2 – General Industrial District

3.3 Hours of Operation

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the

hours of 8:00 a.m. and 10:00 p.m. on Monday through Saturday and 11:00 a.m. and 6:00 p.m. on Sundays.

Section 4. Temporary Cannabis Events

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

4.1 License or Permit Required for Temporary Cannabis Events

4.1.1 License Required.

A cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four days. A jurisdiction should determine what type of approval is consistent with their existing ordinances for events.

A license or permit is required to be issued and approved by (insert local here) prior to holding a Temporary Cannabis Event.

4.1.2 Registration & Application Procedure

A registration fee, as established in (insert local here)'s fee schedule, shall be charged to applicants for Temporary Cannabis Events.

4.1.3 Application Submittal & Review.

The (insert local here) shall require an application for Temporary Cannabis Events.

- (A) An applicant for a retail registration shall fill out an application form, as provided by the (insert local here). Said form shall include, but is not limited to:
 - i. Full name of the property owner and applicant;
 - ii. Address, email address, and telephone number of the applicant;
 - iii. (Insert additional standards here)
- (B) The applicant shall include with the form:
 - i. the application fee as required in (Section 4.1.2);
 - ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

The application shall be submitted to the (insert local authority), or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

(C) Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the (insert staff/department, or elected body that will approve or deny the request) for approval or denial.

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

(E) The application for a license for a Temporary Cannabis Event shall meet the following standards:

A jurisdiction may establish standards for Temporary cannabis events which the event organizer must meet, including restricting or prohibiting any on-site consumption. If there are public health, safety, or welfare concerns associated with a proposed cannabis event, a jurisdiction would presumably be authorized to deny approval of that event.

- **Insert standards here**

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

(H) A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The (insert city/town/county) shall notify the applicant of the standards not met and basis for denial.

(Optional) Temporary cannabis events shall only be held (**on the property of a microbusiness or mezzobusiness**).

(Optional) Temporary cannabis events shall only be held between the hours of (**insert start time**) and (**insert stop time**).

~~Section 5. (Optional) Lower Potency Hemp Edibles~~

~~*A jurisdiction can establish different standards or requirements regarding Low-Potency Edibles. A jurisdiction can consider including the following section and subsections in their cannabis ordinance.*~~

~~5.1 Sale of Low Potency Hemp Edibles~~

~~The sale of Low-Potency Edibles is permitted, subject to the conditions within this Section.~~

~~5.2 Zoning Districts~~

~~*If sales are permitted, a jurisdiction can limit what zone(s) the sales of Low-Potency Edibles can take place in. A jurisdiction can also determine if such activity requires a Conditional or Interim Use permit.*~~

~~Low-Potency Edibles businesses are permitted as a (type of use) in the following zoning districts:~~

- ~~• (Insert zoning districts use is permitted in here)~~
- ~~• (Insert zoning districts use is permitted in here)~~

~~5.3 (Optional) Additional Standards~~

~~5.3.1 Sales within Municipal Liquor Store.~~

~~*A jurisdiction that already operates a Municipal Liquor Store may sell Low-Potency Edibles within the same store.*~~

~~The sale of Low-Potency Edibles is permitted in a Municipal Liquor Store.~~

~~5.3.2 Age Requirements.~~

~~*A jurisdiction is able to restrict the sale of Low-Potency Edibles to locations such as bars.*~~

~~The sale of Low Potency Edibles is permitted only in places that admit persons 21 years of age or older.~~

~~5.3.3 Beverages.~~

~~The sale of Low Potency Hemp Beverages is permitted in places that meet requirements of this Section.~~

~~5.3.4 Storage of Product.~~

~~A jurisdiction is able to set requirements on storage and sales of Low Potency Edibles.~~

Low Potency Edibles shall be sold behind a counter, and stored in a locked case.

Section 7 Use in Public Places

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

SECTION . SUMMARY

The following official summary of Ordinance #24-12 has been approved by the City Council of the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance:

Chapter 26, Article XX is hereby created in order to comply with the requirements of State Statues 342 regulating cannabis licensing.

SECTION . EFFECTIVE DATE

This ordinance becomes effective 30 days after its passage and publication, subject to City Charter Section 5.04.

PASSED by the City Council of the City of Ramsey, Minnesota the X day of X, 2024.

Mayor

ATTEST:

City Clerk