

ORDINANCE NO. 2022-01

AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON THE SALE OF CERTAIN EDIBLE CANNABINOID PRODUCTS

WHEREAS, the City of Atwater (“City”) administers the permitting for certain business activities within the City;

WHEREAS, the Atwater City Council may adopt controls establishing the permitting and administrative process of certain regulated activity, like liquor and tobacco;

WHEREAS, the City does permit certain activities, like liquor licensing and administrative compliance checks on institutions selling liquor and tobacco;

WHEREAS, the Minnesota legislature recently amended Minnesota Statute §151.72 to allow for the sale of certain edible cannabinoid products extracted from hemp within the State of Minnesota, effective September 7, 2022;

WHEREAS, the legislation does not prohibit municipalities from regulating the sale of cannabinoid products locally;

WHEREAS, the impacts of the legislation are still being realized and new permitting and administrative processes are being developed, both within the City and State, to ensure compliance with recent legislation;

WHEREAS, the City has significant health and safety concerns regarding the impacts of the sale of edible cannabinoid products within the City and wishes to prevent negative consequences of premature selling of edible cannabinoid products until proper permitting and administrative processes can be developed;

WHEREAS, the City has significant land use and planning concerns regarding the compatibility of business that sell edible cannabinoid products within the City and wishes to prevent incompatibility of uses while the issue is studied;

WHEREAS, The City desires to conduct further studies on the issues of selling edible cannabinoid products until an official control can be adopted to ensure the health, safety and welfare of its residents;

WHEREAS, the City desires to conduct further studies on how to best permit the sale of edible cannabinoid products, similar to the process of permitting liquor licenses; and

WHEREAS, the City believes that this moratorium will ensure that further studies can be completed to protect the health, safety, and welfare by developing a permitting and administrative process for edible cannabinoid products within the City and considering land use implications.

NOW, THEREFORE, the Atwater City Council adopts the following findings:

1. The recitals above are incorporated into the findings;
2. The City desires to develop a permitting and administrative process for edible cannabinoid products that will promote the health, safety, and welfare of its residents;
3. The City is concerned that without permitting and administrative process for edible cannabinoid products, the health, safety, and welfare of its residents are put at risk as there is no control in place to ensure compliance with the law of the State of Minnesota;
4. The City is concerned that uses involving the sale of edible cannabinoid products may be incompatible with other land uses provided for in the City comprehensive plan and zoning ordinance;
5. The City desires to impose a moratorium on the sale of edible cannabinoid products to allow time to develop a permitting and administrative process, similar to the process the City uses to permit liquor licensing;
6. The City anticipates developing a process, codifying appropriate ordinance and zoning revision, and consider appropriate permitting standards;
7. The City Council needs an opportunity to conduct a study of how to best develop the permitted process, study what ordinances may need to be revised, and develop the proper permitting standards;
8. During the time of study, it is necessary to protect the health, safety and welfare of the residents of the City;
9. An interim ordinance, pursuant to Minnesota State Statutes § 462.355, is necessary to allow the City time to update its ordinances and regulations, ensure compliance with state laws, as well as restrict any action from harming the health, safety, and welfare of residents within the City;
10. An interim ordinance temporarily prohibiting the sale of edible cannabinoid products, under Minnesota Statute § 151.72, is necessary to protect the health, safety and welfare of the residents within the City; and
11. The City intends to lift the moratorium as quickly as the permitting and administrative processes are adopted by the city.

NOW, THEREFORE, pursuant to Minnesota Statutes § 462.355, the Atwater City Council hereby ordains:

Section 1. Interim Ordinance.

1. **Temporary Restriction.** A moratorium prohibiting the sales of edible cannabinoid products extracted from hemp is hereby established. For purposes of this Ordinance, the same definition and meaning described in Minnesota Statutes §151.72, have the same definitions and meanings in this ordinance.
2. **Duration.** The intent of the City is that this moratorium will be lifted within twelve months, however this moratorium shall be in effect for a period of one year, or until

such earlier time as the Atwater City Council determines the moratorium is no longer necessary.

3. **Effective Date.** This Ordinance shall be effective immediately upon its adoption.
4. **Validity.** Every section, provision, or part thereof to the extent that if any section, provision, or part of this Interim Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.
5. **Enforcement and Penalty.** The City may enforce this Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance shall constitute a misdemeanor. Each day a violation occurs shall be considered a separate offense.

Section 2. Summary Publication.

At least four-fifths of the City Council’s members direct the City Clerk to publish only the title and a summary of this ordinance as follows:

“AN INTERIM ORDINANCE ESTBLISHING A MORATORIUM ON THE SALE OF CERTAIN EDIBLE CANNABINOID PRODUCTS. It is the intent an effect of this Ordinance to prohibit the sale of certain edible cannabinoid products, allowed under Minnesota Statues § 151.72, until the City of Atwater can study the effects of such activities, the appropriateness of existing regulations and destinations, and ensure that zoning regulations and designations are consistent with exiting law and adequately protect public health, safety and welfare.”

A printed copy of the Ordinance is available for inspection by any person during regular office hours at City Hall.

This ordinance shall be effective from and after its adoption and date of publication.

Passed and Adopted by the Atwater City Council on this 7th day of September 2022.

CITY OF ATWATER

By: [MARK OLSON]
Its Mayor

ATTEST: _____
By: [GOLDIE SMITH]