

PROPOSED ORDINANCE NO. 48, FOURTH SERIES

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LUVERNE
TO REGULATE CANNABIS BUSINESSES**

THE CITY OF LUVERNE DOES HEREBY ORDAIN:

Section 1. That **Chapter 118 “CANNABIS BUSINESS REGULATIONS”** is hereby adopted as follows:

118.01 Findings and Purpose

The City makes the following legislative findings:

- (A) The purpose of this chapter is to implement the provisions of M.S. Ch. 342, which authorizes the City to protect the public health, safety, welfare of its residents by regulating cannabis businesses within the legal boundaries of the City.
- (B) The City finds and concludes that the proposed provisions are appropriate and lawful land use regulations for the City, 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.

118.02 Authority & Jurisdiction

(A) The City has the authority to adopt this ordinance pursuant to:

- (1) M.S. § 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.
- (2) M.S. § 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- (3) M.S. § 152.0263, Subd. 5, regarding the use of cannabis in public places.
- (4) M.S. § 462.357, regarding the authority of a local authority to adopt zoning ordinances.

(B) This chapter shall be applicable to the legal boundaries of the City.

118.03 Severability

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

118.04 Enforcement

- (A) The Office of the City Administrator 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 petty 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.

118.05 Definitions

- (A) Unless otherwise noted in this Chapter, words and phrases contained in M.S. § 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.
- (1) Cannabis Retail Businesses: A cannabis retailer location and the retail location(s) of 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.
 - (2) 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.
 - (3) Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a location outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
 - (4) Lower-potency Hemp Edible: As defined under M.S. § 342.01 subd. 50.
 - (5) Lower-potency Hemp Edible Retailer: A hemp business, as defined under M.S. § 342.01, subd. 34, licensed by the OCM for the sale of lower-potency hemp edibles.
 - (6) Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
 - (7) 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.

- (8) Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under M.S. § 342.17.
- (9) 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.
- (10) Recreational Facility: major structures such as aquatic centers, arenas, athletic fields and shelters located within lands under the ownership or control of the City of Luverne.
- (11) Residential Treatment Facility: As defined under M.S. § 245.462 subd. 23.
- (12) Retail Registration: An approved registration issued by the City to a state- licensed cannabis retail business.
- (13) School: A public school as defined under M.S. § 120A.05 or a nonpublic school that must meet the reporting requirements under M.S. § 120A.24.
- (14) State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.
- (15) Resident manager or agent: a person who, by reason of age, character, reputation and other attributes, could qualify individually as a licensee.
- (16) Resident means a bona fide resident who qualifies to vote and has a residence which, if owned by the manager or agent, could be homesteaded for real estate tax purposes.

118.06 Registration of Cannabis Retail Businesses

- (A) No individual or entity may operate a state-licensed cannabis retail business within the City without first registering with the Office of the City Administrator.
- (B) Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty not to exceed \$2,000 for each violation, as specified in the City's Fee Schedule.

118.07 Pre-License Application Response to OCM Required

- (A) Pursuant to M.S. § 342, within 30 days of receiving a copy of a state license application from OCM, the City 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.

118.08 Registration & Application Fees

(A) Fees.

- (1) The City shall not charge an application fee.
- (2) A registration fee, as established in the City's fee schedule, shall be charged to applicants depending on the type of retail business license applied.
- (3) Any renewal retail registration fee imposed by the City shall be charged at the time of the second renewal and each subsequent renewal thereafter.
- (4) 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.

118.09 Application Submittal.

(A) The Office of the City Administrator shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of M.S. § 342.22 and this chapter.

- (1) An applicant for retail registration shall fill out an application form, as provided by the City. Said form shall include, but is not limited to:
 - (a) Full name of the property owner and applicant;
 - (b) Address, email address, and telephone number of the applicant;
 - (c) The address and parcel ID for the property which the retail registration is sought;
 - (d) Certification that the applicant complies with the requirements of this ordinance
 - (e) Full name, email address, and telephone number of the Resident Manager(s), if:
 1. the applicant is not a resident of the county;
 2. the applicant is made up of more than one individual, whether or not they are residents of the county; or
 3. the applicant is a corporation, partnership or association.
 4. The applicant or applicants shall appoint in writing an individual person who is a resident of the county as its manager or agent. The resident manager or agent shall, by the terms of the appointment take full responsibility for the conduct of the licensed premises; and serve as agent for service of notices and other process relating to the license.

(B) The applicant shall include with the form:

- (1) the registration fee as required in Section 118.08; and
- (2) a copy of a valid state license or written notice of OCM license preapproval; and

- (3) Certification of Compliance for Minnesota Workers' Compensation under M.S. § 176.182; and
 - (4) the name and address of the applicant, and all other owner(s);
 - (5) the name, home address, email, date of birth and telephone number of individuals who will actively manage the business for which the license is sought; and
 - (6) the location of the premises for which the license is sought, and the name of the owners, agents, lessee of the premises where the business is to be operated; and
 - (7) Include operational plan, organizational structure, environmental sustainability and mitigation plans, interior floor plans of the buildings, odor control systems and suitability of the building for the use proposed, site plan as to parking, traffic movement and aesthetics;
 - a. Include documentation of a state business license; and
 - b. Include information of any bankruptcy proceeding involving the owner(s); and
 - c. Include documentation of all necessary licenses from the State to operate a cannabis establishment; and
 - d. Be signed by the owner(s) of the business; and
 - (8) Evidence of adequate coverage by commercial liability insurance which shall meet the following minimum limits of liability:
 - a. \$1,500,000 each occurrence; and
 - b. \$3,000,000 general aggregate; and
 - c. \$3,000,000 products and completed operations aggregate.
- (C) Once an application is considered complete, the Office of the City Administrator shall inform the applicant as such, process the application fees, and forward the application to the City Council for approval or denial.
- (D) The application fee shall be non-refundable once processed.

118.10 Application Approval

- (A) A state-licensed cannabis retail business application for registration shall not be approved or renewed if the applicant is unable to meet the requirements of this chapter. No application for registration shall be approved if such business would result in non-compliance.
- (B) A state-licensed cannabis retail business application that meets the requirements of this chapter shall be approved, provided that such approval shall not result in the City exceeding the maximum number of registered cannabis retail businesses as set forth in this chapter.

118.11 Preliminary Inspection Prior to Retail Registration

- (A) Prior to issuance of a cannabis retail business registration, the City shall conduct a preliminary inspection to ensure the cannabis retail business is in compliance with local ordinances.

118.12 Annual Compliance Checks

- (A) The City shall complete at minimum one compliance check per calendar year of every cannabis retail business to assess if the business meets age verification requirements, as required under M.S. § 342.22 Subd. 4(b) and this chapter.
- (B) The City, or designee, shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.
- (C) Any failures under this section must be reported to the Office of Cannabis Management.

118.13 Location Change

- (A) A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 118.09 if it seeks to move to a new location still within the legal boundaries of the City.

118.14 Renewal of Registration

- (A) The City shall process renewals of the annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license, as long as the state-licensed cannabis retail business remains in compliance with all city ordinances.
- (B) A state-licensed cannabis retail business shall apply to renew registration on a form established by the City.
- (C) A cannabis retail registration issued under this ordinance shall not be transferred.

118.15 Renewal Fees

- (A) The City shall charge a renewal fee for the registration starting at the second renewal, as established in the City's fee schedule.

118.16 Renewal Application

- (A) The application for renewal of a retail registration shall include, but is not limited to:
 - (1) Items required under Section 118.09 of this chapter.
 - (2) A certification of the registrant's violation history covering the previous five-year period (violations related to cannabis related offenses, or violations of the Minnesota regulations governing the State License).

118.17 Violations and Suspension of Registration

- (A) *When Suspension is Warranted.* The City may suspend a cannabis retail business's registration if it violates this chapter or poses an immediate threat to the health or safety of the public. The City shall immediately notify the cannabis retail business in writing of the grounds for the suspension.
- (B) *Notice.* Any person or registered cannabis retail business violating this chapter may be issued, either personally or by mail, a notice of violation by the City that sets forth the alleged violation, the penalties imposed under Section 118.18, and the timing for serving a suspension, if imposed, and that informs the alleged violator of the alleged violator's right to a hearing on the matter. The notice of violation shall provide notice that a hearing must be requested by the alleged violator within ten business days of the date of issuance of the notice of violation and that such hearing rights shall be waived by the alleged violator and terminated if a hearing is not requested in writing by the alleged violator and filed with the city clerk within the ten business day period. The notice of violation shall provide information on how and where a hearing may be requested, including a contact address and phone number for the city clerk.
- (C) *Notification to OCM.* Following the issuance of a notice of suspension of the registration of a registered retail business by the city clerk pursuant to this chapter, the city clerk shall immediately notify the OCM and provide the OCM a copy of the notice of suspension issued to the registered retail business. 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.
- (D) *Timing of Suspension.* The city may hold a hearing pursuant to this chapter if timely requested by the alleged violator or stay such hearing pending a response from OCM if a suspension is to be imposed. If a hearing is timely requested and held and a suspension is imposed, the city clerk shall immediately notify the OCM and provide the OCM a copy of the city council's order of suspension issued to the registered retail business. A suspension shall not be imposed and served until notice to OCM and any determination by OCM. The OCM may order reinstatement of the retail registration or take other action authorized by law, up to and including revocation of the state license for the cannabis retail business or lower-potency hemp edible retailer. Failure by OCM to respond or to timely respond following notice from the city clerk to OCM as provided herein shall not prohibit or limit the city's enforcement action or subsequent enforcement actions.
- (E) *Length of Suspension.* The suspension of a cannabis retail business registration shall be for a period not to exceed 30 days, unless action by the OCM permits a longer suspension or permits of the retail registration for the business. The business may not make sales to customers if their registration is suspended.
- (F) *Reinstatement.* The City shall reinstate a registration if the City determines that the violation(s) have been resolved or if the OCM determines that the violation(s) have been resolved.

118.18 Civil Penalties

- (A) Subject to M.S. § 342.22, subd. 5(e) the City may impose a civil penalty, as specified in the City's Fee Schedule, for registration violations and violations of this chapter, not to exceed \$2,000.

118.19 Subject To Investigation, Inspection And Audit

- (A) All licenses are subject to the condition that the license premises may, without notice, be inspected for compliance with State and City laws and regulations. Office of the City Administrator investigators, Rock County Sheriff's investigators, air quality investigators, agents or other City designees have the right to enter the licensed premises for the purpose of investigation and inspection. Licensees shall not refuse such right to enter the premises to inspect or investigate the premises, facilities, qualifications of personnel, methods or operations, policies and purposes of any cannabis retail business and of any person proposing to engage in the operation of a cannabis retail business. An inspection of a facility may include, without limitation, investigation of standards for public safety and may be conducted jointly with State and other local government agencies, as well as law enforcement agencies.

118.20 Limiting of Registrations

- (A) The City shall not limit the number of cannabis retail businesses or cannabis businesses with a retail endorsement in the City.

118.21 Minimum Buffer Requirements

- (A) The City shall not issue a registration to a cannabis retail business that does not comply with the minimum buffer requirements as set forth in Section 153.200.
- (B) The City shall prohibit the operation of a cannabis retail business within 1,000 feet of the property boundaries of another cannabis retail business.

118.22 Hours of Operation

- (A) Cannabis retail businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products:
- Monday-Thursday: 10:00 a.m.- 9:00 p.m.
 - Friday-Saturday: 9:00 a.m.-10:00 p.m.
 - Sunday: 10:00 a.m.-9:00 p.m.

This restriction shall not apply to lower-potency hemp edible retailers.

118.23 Advertising

(A) A cannabis retail business must comply with the requirements provided in this chapter, City Code, and any applicable state laws regarding signs and advertising.

118.24 Public Display Required

(A) During all of the period of time for which a State License has been issued authorizing the operation of a cannabis retail business, the State License shall be posted and at all times be displayed in a conspicuous place in the facility where such business is carried on so that all persons visiting such place may readily see and read the same.

118.25 Duties of Licensee

(A) It is the affirmative duty of each holder of a cannabis establishment license to strictly comply with all the applicable provisions of this Code and State statutes and regulations regulating cannabis establishments and, each holder of a cannabis establishment license must:

- (1) Maintain and conduct all activities upon the premises in a decent and respectful manner and shall not knowingly permit any conditions that could cause disorder, disturbances, excessive loitering, nuisances or other activities which endanger the health or safety of the patrons or disrupt the peace or order of the neighborhood;
- (2) Operate and maintain the cannabis establishment in a professional, orderly and dignified manner that is consistent with the positive image, quality, perception and appearance of the community;
- (3) Maintain at all times the outside premises of the cannabis establishment free from trash and other debris; and
- (4) Maintain adequate security to ensure compliance with the requirements of this chapter and any applicable state laws.

118.26 On-site Consumption

(A) On-site Consumption within a Cannabis Microbusiness

(1) A cannabis microbusiness with an on-site consumption endorsement may permit on-site consumption of edible cannabis products and lower-potency hemp edibles if:

- (a) The portion of the premises in which on-site consumption is permitted must be definite and distinct from all other areas of the microbusiness and must be accessed through a distinct entrance.

(b) The edible cannabis products and lower-potency hemp edibles sold for on-site consumption comply with M.S. Ch. 342 and rules adopted pursuant to that chapter regarding the testing, packaging, and labeling of cannabinoid products.

(c) The edible cannabinoid products and lower-potency hemp edibles sold for on-site consumption are served in the required packaging but may be removed from the products' packaging by customers for consumption on site.

(d) Food and beverages may be prepared and sold on site provided that the cannabis microbusiness complies with all relevant state and local laws, the Code, licensing requirements, and zoning requirements.

(e) The display and consumption of any edible cannabis product or lower-potency hemp edible is not visible from outside of the licensed premises of the business.

(f) The cannabis microbusiness may offer recorded or live entertainment, provided that the cannabis microbusiness complies with all relevant state and local laws, ordinances, licensing requirements, and zoning requirements.

(2) A cannabis microbusiness with an on-site consumption endorsement may not:

(a) Sell an edible cannabis product or a lower-potency hemp edible to an individual who is under 21 years of age.

(b) Permit an individual who is under 21 years of age to enter the premises.

(c) Sell an edible cannabis product or a lower-potency hemp edible to a person who is visibly intoxicated.

(d) Sell or allow the sale or consumption of alcohol or tobacco on the premises.

(e) Sell products that are intended to be eaten or consumed as a drink, other than packaged and labeled edible cannabis products and lower-potency hemp edibles, that contain cannabis flower or hemp plant parts or are infused with cannabis concentrate, hemp concentrate, or artificially derived cannabinoids.

(f) Permit edible cannabis products or lower-potency hemp edibles sold in the portion of the area designated for on-site consumption to be removed from that area.

(g) Permit adult-use cannabis flower, adult-use cannabis products, hemp-derived consumer products, or tobacco to be consumed through smoking or a vaporized delivery method on the premises.

(h) Distribute or allow free samples of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.

(B) On-site Consumption within a Lower-potency Hemp Edible Retailer

(1) A lower-potency hemp edible retailer may permit on-site consumption of lower-potency hemp edibles if:

(a) The lower-potency hemp edible retailer has an on-site consumption endorsement issued by the OCM.

(b) The lower-potency hemp edible retailer holds an on-sale license issued under M.S.A. ch. 340A.

(c) Lower-potency hemp edibles that are intended to be consumed as a beverage are either served in their required packaging or outside of their packaging if the information that is required to be contained on the label of a lower-potency hemp edible is posted or otherwise displayed by the lower-potency hemp edible retailer.

(d) Lower-potency hemp edibles sold for on-site consumption, other than lower-potency hemp edibles that are intended to be consumed as a beverage, are served in the required packaging. The lower-potency hemp edible products may be removed from their packaging by customers and consumed on site.

(2) A lower-potency hemp edible retailer with an on-site consumption endorsement may not:

(a) Sell, give, furnish, or in any way procure for another lower-potency hemp edibles for the use of an obviously intoxicated person.

(b) Sell lower-potency hemp edibles that are designed or reasonably expected to be mixed with an alcoholic beverage.

- (c) Permit lower-potency hemp edibles that have been removed from the products' packaging to be removed from the premises of the lower-potency hemp edible retailer.

118.27 Prohibited Acts

(A) It shall be a violation of this chapter for any cannabis retail business regulated under this chapter, except for lower-potency hemp edible retailers, to violate any provisions of M.S. Ch. 342 applicable to cannabis retail businesses, including, but not limited to the following:

- (1) To operate a state-licensed cannabis retail business within the corporate limits of the city or make any sale to a customer or patient without validly registering with the city.
- (2) To sell cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products to a person who is visibly intoxicated.
- (3) To knowingly sell more cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products than a customer is legally permitted to possess.
- (4) To give away immature cannabis plants or seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.
- (5) To operate a drive-through window.
- (6) To allow for the dispensing of cannabis plants, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in vending machines.
- (7) To sell cannabis plants, cannabis flower, or cannabis products if the cannabis retailer knows that any required security or statewide monitoring systems are not operational.
- (8) To permit an individual under 21 years of age to enter the business premises other than entry by a person enrolled in the registry program as defined by M.S. § 342.01, subd. 59.
- (9) To sell or give cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products to an individual under 21 years of age unless the individual is a person enrolled in the registry program as defined by M.S. § 342.01, subd. 59 and the cannabis business holds a medical cannabis retail endorsement.

(10) To sell or give cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products by any other means, to any other person, or in any other manner or form prohibited by state or other local law, ordinance, or other regulation.

(B) It shall be a violation of this chapter for any lower-potency hemp edible retailer to violate any provisions of M.S. Ch. 342 applicable to hemp businesses, including, but not limited to the following:

(1) To operate a state-licensed lower-potency hemp edible retail business within the corporate limits of the city or make any sale to a customer or patient without validly registering with the city.

(2) To knowingly sell more lower-potency hemp edibles or hemp-derived consumer products than a customer is legally permitted to possess.

(3) To sell lower-potency hemp edibles to individuals who are under 21 years of age.

(4) To sell lower-potency hemp edibles to a person who is visibly intoxicated.

(5) To sell cannabis flower, cannabis products, or hemp-derived consumer products.

(6) To allow for the dispensing of lower-potency hemp edibles in vending machines.

(7) To distribute or allow free samples of lower-potency hemp edibles, except when the business is licensed by the OCM to permit on-site consumption and samples are consumed within its licensed premises.

(8) To sell or give cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products by any other means, to any other person, or in any other manner or form prohibited by state or other local law, ordinance, or other regulation.

118.28 License or Permit Required for Temporary Cannabis Events

(A) License Required

(1) A cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four consecutive days.

(2) A license or permit is required to be issued and approved by the City prior to holding a Temporary Cannabis Event.

(B) Registration & Application Fee

- (1) A fee, as established in the City's fee schedule, shall be charged to applicants for Temporary Cannabis Events and shall be an amount equal to half of the initial license fee for a cannabis event organizer license under M.S. § 342.11, as may be amended from time to time.

(C) Application Submittal & Review.

- (1) The City shall require an application for Temporary Cannabis Events.

- (2) An applicant for a Temporary Cannabis Event shall fill out an application form, as provided by the City, no less than 60 days from the event's first day. 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. No license under this chapter shall be granted for operation on any premises upon which taxes, assessments or installments thereof, or other financial claims of the city, are owed and are delinquent and unpaid.
- iv. Location of the event;
- v. Dates and times of the Event including setup and tear down.
- vi. Description of the Event sufficient for review of the security, traffic, sanitation, and sanitary needs of the event.
- vii. Whether food is to be served, by whom, and whether other vendors or providers are intended sufficient to ensure proper licensure of those vendors or providers and sufficient utility services, sanitation, and traffic controls are available.
- viii. Whether the event will include any amplification of sounds, voices, or music.
- ix. Whether the event is to be advertised and if so the scope of advertising, with information sufficient to allow planning for crowd control and security.
- x. A detailed map of the event layout.
- xi. A certificate of insurance evidencing a valid liability policy providing minimum coverage of \$1,000,000.00 combined single limit per occurrence, which certificate(s) must state that no cancellation of such policy may be effective except upon 30 days' written notice to the City.

- (3) The applicant shall include with the form:

- i. the fee as required in Section 118.28(B);
- ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

- (4) The application shall be submitted to the Office of the City Administrator 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.

(5) Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the City Council 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:

(1) City Requirements

- i. Temporary cannabis events shall only be held between the hours of 10:00 a.m. and 9:00 p.m.
- ii. No more than 12 total Temporary Cannabis Events per calendar year within the City of Luverne.
- iii. Consumption of alcohol or tobacco shall not be allowed at the Temporary Cannabis Event.
- iv. No consumption of cannabis shall be allowed on the premises of the Temporary Cannabis Event.
- v. The City shall not issue a Temporary Cannabis Event License to a cannabis business or cannabis event organizer if the proposed event location does not comply with the minimum buffer requirements as set forth in Section 153.200.

A request for a Temporary Cannabis Event that does not meet the requirements of this Section or is found to endanger the public safety or health shall be denied. The City shall notify the applicant of the standards not met and basis for denial.

118.29 City of Luverne as a Cannabis Retailer

(A) The City may establish, own, and operate one municipal cannabis retail business subject to approval of the City Council.

118.30 Use in Public Places

(A) Unless allowed by permit under Section 118.28, no person shall use cannabis flower or cannabis 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.

(B) Any person found to be in violation of this section shall be guilty of a petty misdemeanor.

SEC. 2. This ordinance takes full force and effect seven (7) days after its publication.

Patrick T. Baustian, Mayor

ATTEST: _____
Jill Wolf, City Administrator

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Adopted:

Published:

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