

This notice is being posted to complete the required 10 days posted notice per MS 415.19 and was posted on the City Website and City Hall Bulletin Board on or before November 19th, 2024.

**ORDINANCE NO. 355
CITY OF NEW PRAGUE**

**AN ORDINANCE ESTABLISHING REGULATIONS RELATED TO CANNABIS AND
HEMP PRODUCTS IN THE CITY OF NEW PRAGUE**

**THE CITY COUNCIL OF THE CITY OF NEW PRAGUE, SCOTT AND LESUEUR,
COUNTIES, MINNESOTA ORDAINS:**

SECTION 1. :

Tetrahydrocannabinol Products

- 121.01 Findings and purpose
- 121.02 Definitions
- 121.03 License required
- 121.04 License fee
- 121.05 Prohibited sales
- 121.06 Mobile sales
- 121.07 Compliance checks
- 121.08 Responsibility
- 121.09 Administrative penalties
- 121.10 Administrative penalty procedure

Cannabis and Hemp Businesses

- 121.11 Findings and Purpose
- 121.12 Definitions
- 121.13 Pre-License Certification of Cannabis Businesses
- 121.14 Retailer Registration
- 121.15 Registration Enforcement.
- 121.16 Compliance Checks
- 121.17 Advertising
- 121.18 Hours of Operation
- 121.19 Distances from Certain Properties
- 121.20 Temporary Cannabis Events
- 121.21 Penalties Administration and Enforcement
- 121.22 Administrative Penalties and Administrative Penalties Procedure

SECTION 2: Chapter 121 of the City Code of the City of New Prague is hereby amended by adding the double-underlined language as follows:

121.03 License Required

- (A) No person shall sell or offer to sell any licensed product without having obtained a license to do so from the city. However, businesses that have received a license to sell lower-potency hemp edibles, as defined in M.S. § 342.01, from the Minnesota Office of Cannabis

Management and have registered with the city pursuant to City Code, § 121.11-121.22, are not required to obtain a city license to sell lower-potency hemp edibles.

SECTION 3: Chapter 121 of the City Code of the City of New Prague is hereby amended by adding new sections 121.11-121.22 language as follows:

121.11 Findings and Purpose

The City of New Prague makes the following legislative findings:

(A) The purpose of this chapter is to protect the public health, safety, welfare in the city by implementing regulations pursuant to M.S. Ch. 342 related to cannabis and hemp businesses within the city.

(B) In making these findings and enacting this chapter, it is the intent of the City Council to ensure responsible product retailing, allowing legal sale and access without promoting increases in use, and to discourage violations of cannabis and hemp related laws.

(C) The city finds and concludes that these regulations are appropriate and lawful, that the proposed amendments will promote the community's interest in reasonable stability in the development and redevelopment of the city for now and in the future, and that the regulations are in the public interest and for the public good.

121.12 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means an entity with a license issued by the OCM that is applying for an initial registration or for registration renewal.

The Act means M.S. Ch. 342, as is may be amended from time to time.

Cannabis Business has the same meaning as defined in M.S. § 342.01

Cannabis Retailer means a business with a cannabis retailer license or cannabis retail endorsement from OCM.

Hemp Business shall have the definition in M.S. § 342.01

Lower-Potency Hemp Retailer means every lower-potency hemp edible retail business that is licensed under the Act and required to register with the City under Minnesota Statutes, section 342.22.

OCM means the Minnesota Office of Cannabis Management.

Potential Licensee means an applicant that has not received a license from the OCM.

Retailer means every business that is licensed under the Act and required to register with the City under M.S. § 342.22. Including cannabis businesses and lower-potency hemp edible retailers.

School means a public school, as defined in section 120A.05, subdivisions 9, 11, 13, and 17, or a nonpublic school, or church or religious organization in which a child is provided instruction in compliance with this section and section 120A.24, but does not include a home school.

121.13 Pre-License Certification of Cannabis Businesses

(A) The City Administrator is authorized to certify whether a proposed Cannabis Business complies with the city’s zoning ordinances, this chapter, and if applicable, with state fire code and building code pursuant to M.S. § 342.13.

(B) Potential licensees are responsible for requesting and scheduling any inspections related to building and fire code. Potential licensees may contact the city to have building and fire inspections conducted prior to the city receiving the request for certification from the OCM. If a potential licensee is not able to have any building or fire code inspection complete within the 30 days allowed under the statute, the city will not certify the application.

(C) If the potential licensee requires a conditional use permit or other zoning approval, the potential licensee must have obtained such an approval prior to the city receiving a request for zoning certification. Failure to obtain the required approval will result in the city informing the OCM that the potential licensee has not met local zoning code requirements.

(D) For retailers, receiving a pre-license certification does not ensure the retailer will receive a registration under § 122.14.

121.14 Retailer Registration

(A) *Retail Registration Required.* Before making retail sales to customers or patients, a retailer must register with the city. Making retail sales to customers or patients without an active registration is prohibited.

(B) *Civil Penalties.* 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 making a sale to a customer or patient without a valid registration from the city and a valid license from the OCM.

(C) *Timeline for Approval.* Applications will be considered complete when all materials in § 121.14 (F) are received by the city, including payment of the required application fee. If the city determines that the application is incomplete, it shall notify the applicant of the deficiencies.

(D) *Processing Registrations.*

- (1) Applications will be processed on a first-come, first-served basis based on the city receiving a complete application and payment of all fees.
- (2) The date a certification under § 122.13 is issued will have no impact on the applicant's registration processing and is not an indication that the retail registration limit in § 122.14 (E) has been met.
- (3) Once an application is considered complete, the City Clerk shall inform the applicant as such, process the application fees, and forward the application to the City Administrator, or their designee, for approval or denial.

(E) *Retail Registration Limits.* The city will issue two registrations to cannabis retailers in the city.

(F) *Application.* The applicant must submit a registration application or renewal form provided by the city. The form may be amended from time to time by the City Administrator, but must include or be accompanied by:

- (1) Name of the property owner
- (2) Name of the applicant
- (3) Address and parcel ID for the property for which the registration is sought
- (4) Certification that the applicant complies with the requirements of this chapter
- (5) *Fee Required.* At the time of initial application, and prior to the city's consideration of any renewal application, each retailer must pay, as established in the city's fee schedule, the following fees:
 - (a) At the time of initial registration:
 - i. An initial registration fee. The initial registration fee will pay for the costs of registration and the cost of the first year of operation.
 - ii. The renewal fee for the second year of operation.
 - (b) At the time of the first annual renewal (prior to the second year of operation), no fee will be due.
 - (c) At the time of the second annual renewal, and each year thereafter, the renewal fee must be paid prior to the city issuing any renewal registration.
 - (d) Initial registration fee and renewal registration fees are nonrefundable.
- (6) Proof of taxes, assessments, utility charges of other financial claims of the city of the state are current.

(7) A copy of a valid state license or written notice of OCM license preapproval.

(G) *Preliminary Compliance Check.* The City shall conduct a preliminary compliance check on every retailer to ensure compliance with this chapter and any other regulations established pursuant to M.S. § 342.13. The preliminary compliance check must be complete prior to the city issuing the retail registration.

(H) *Reasons for Denial.* The City shall not issue a registration or renewal if any of the following conditions are true:

(1) The applicant has not submitted a complete application.

(2) The applicant does not comply with the requirements of this chapter.

(3) The applicant does not comply with applicable zoning and land use regulations.

(4) The applicant is found to not comply with the requirements of the Act or this chapter at the preliminary compliance check.

(5) The maximum number of registrations, pursuant to § 122.14 (E), have been issued by the city.

(6) The applicant does not have a valid license or license preapproval from the OCM.

(I) *Issuing the Registration or Renewal.* The city shall issue the registration or renewal if the retailer meets the requirements of this chapter, including that none of the reasons for denial in § 122.14 (H) are true.

(J) *Nontransferable.* A registration is not transferable to another person, entity, or location.

(H) *Distance Requirement.* The city prohibits the establishment and operation of a cannabis business within 250 feet of a school. The distance will be measured from the potential licensee's proposed business location based on the location of schools on the date the city receives the request from the OCM for certification pursuant to § 121.12. Buffer distances will be measured using the City's GIS mapping system from property line to property line where each use is located. Nothing in this section shall prohibit a cannabis business from continuing to operate at the same location if a school, day care, residential treatment facility, or park feature establishes within the buffer.

121.15 Registration Enforcement.

(A) *Generally.* The City Council may impose a fine or suspend a registration under this chapter on a finding that the registered business has failed to comply with the requirements of this chapter or any applicable statute or regulation.

(B) *Notice and Right to Hearing.* Prior to imposing a fine or suspending any registration under this chapter, the city shall provide the registered business with written notice of

the alleged violations and inform the registered business of its right to a hearing on the alleged violation.

1. Notice shall be delivered in person or by regular mail to the address of the registered business and shall inform the registered business of its right to a hearing. The notice will indicate that a response must be submitted within ten (10) business days of receipt of the notice, or the right to a hearing will be waived.
2. The registered business will be given an opportunity for a hearing before the City Administrator, or their designee, before final action to fine or suspend a registration. Provided, the registered business has submitted a written application for appeal within ten (10) business days after the notice was served. The City Administrator, or their designee, shall give due regard to the frequency and seriousness of the violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply and shall issue a decision to fine or suspend, the registration only upon written findings. Within ten (10) business days of the City Administrator, or their designee, order, the decision may be appealed to the City Council.
3. If no request for a hearing is received within ten (10) days following the service of the notice, the matter shall be submitted to the City Council for imposition of the fine and/or suspension.

(C) *Emergency.* If, in the discretion of the city, a registered business poses an imminent threat to the health or safety of the public, the City Administrator may immediately suspend the registration and provide notice of the right to hold a subsequent hearing as prescribed in part (B) of this section.

(D) *Reinstatement.* The city may reinstate a registration if it determines that the violations have been resolved. The city shall reinstate a registration if the OCM determines the violations have been resolved.

121.16 Compliance Checks

The City shall complete at minimum one compliance check per calendar year of every registered business to assess if the business meets age verification requirements, as required under M.S. § 342.22, subd. 4(b) and M.S. § 342.24 and any applicable cannabis or hemp regulations adopted by the city.

The city shall conduct, at minimum, one unannounced age verification compliance check per calendar year. The city may conduct additional compliance checks at its discretion. 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 city.

Any failures under this section are a basis for enforcement action and must be reported to the OCM.

121.17 Advertising.

Signage is subject to the City's sign code and M.S. 342.62, subd. 4.

121.18 Hours of Operation.

Cannabis Retailers are prohibited from engaging in the retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 1:00am -8:00am Monday-Saturday and 1:00am-10:00am on Sunday.

121.19 Temporary Cannabis Events.

- (A) Cannabis event organizers receive a permit from the city to hold a temporary cannabis event within the city. Cannabis event organizers must apply for the permit on a form provided by the city and pay an application fee as established in the city's fee schedule.
- (B) Temporary cannabis events are subject to all applicable requirements of the City Code, including under Chapter 95 – Regulations Pertaining to Large Assemblies.
- (C) Temporary cannabis events are prohibited on city property.
- (D) No more than three temporary cannabis events may occur at a single location in the same calendar year.

121.21 Penalties Administration and Enforcement

Any violation of the provisions of this chapter or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Each day each violation continues or exists, constitutes a separate offense. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance. Violations may also be addressed using the administrative penalties process in §121.22

Violation of this chapter shall be grounds for enforcement against any business license issued by the City.

121.22 Administrative Penalties and Administrative Penalty Procedure

- (A) If a retailer or employee of a retailer fails a compliance check or violates any other provision of this chapter, the business shall be charged an administrative penalty of \$300. An administrative penalty of \$600 shall be imposed for a second violation at the same location within 36 months after the initial violation. For a third or any subsequent violation at the same location within 36 months after the initial violation, an administrative penalty of \$1,000 shall be imposed.

(B) An individual who makes a retail sale in to a person under the age of 21 years, resulting in a failed compliance check, that individual shall be charged an administrative penalty of \$50.

(C) *Procedure.*

(1) Upon discovery of a suspected violation under this chapter, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and the administrative penalty for the violation, and informs the alleged violator of his or her right to be heard on the accusation.

(2) If, within twenty (20) days after receipt of a citation, a person accused of violating this chapter so requests, a hearing shall be scheduled, the time and place of which shall be provided to the accused violator.

(3) The City Council, or any other person as the Council may by resolution designate, shall serve as the hearing officer.

(4) If the hearing officer determines that a violation of this chapter did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under this section, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, the findings shall be recorded and a copy provided to the accused violator.

(5) Appeals of any decision made by the hearing officer shall be filed in the district court for the county in which the violator resides in accordance with applicable laws.

(6) Nothing in this section shall prohibit the city from seeking prosecution as a criminal offense for any alleged violation of this chapter and shall not prohibit the city from taking action under the Act.

(7) Each violation shall constitute a separate offense, and for violations that are ongoing by their nature, each day that such violation continues shall constitute a separate offense.

SECTION 4. INTERIM ORDINANCE TERMINATION. Upon the Effective Date of this Ordinance, Interim Ordinance #338 and as amended as #350, shall automatically terminate.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect upon its passage and publication, in accordance with Section 3.13 of the City Charter.

Introduced to the City Council of the City of New Prague, Minnesota, this 18th day of November, 2024.

The required 10 days posted notice was completed on the City Website and City Hall Bulletin Board on November 19th, 2024.

Passed by the City Council of the City of New Prague, Minnesota, this 2nd day of December, 2024 and to be published on the 12th day of December, 2024.

Duane J. Jirik, Mayor

State of Minnesota)

)ss.

(CORPORATE ACKNOWLEDGMENT)

County of Scott & Le Sueur)

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2024.

Notary Public

ATTEST: _____
Joshua M. Tetzlaff, City Administrator

State of Minnesota)

)ss.

(CORPORATE ACKNOWLEDGMENT)

County of Scott & Le Sueur)

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2024.

Notary Public