



City of Isanti, Minnesota

NOTICE OF PROPOSED CITY ORDINANCE

You are hereby notified that the following Proposed Ordinance will be considered by the City Council of the City of Isanti, MN at the following meeting:

City Council Meeting: June 6, 2023

DATE POSTED: May 18, 2023

ORDINANCE NO. XXX

AN ORDINANCE AMENDING ORDINANCE NO. 786, ADOPTED ON MAY 2, 2023 AND TITLED CANNABINOID PRODUCTS

THE CITY COUNCIL OF ISANTI DOES ORDAIN AS FOLLOWS:

Section 1 – Amendments. Ordinance 786 Codified as Chapter 298 of the City Code, is hereby amended as follows:

Chapter 298

CANNABINOID PRODUCTS

§ 298-2. Definitions.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The definitions in Minn. Stat. § 151.72., as may be amended from time to time, are hereby incorporated and other terms as applicable are in addition to those.

CANNABINOID PRODUCT - Any product containing cannabinoids, including an edible cannabinoid product, that is sold for human consumption whether chewed, smoked, inhaled, snorted, sniffed, vaporized, or ingested by other means.

COMPLIANCE CHECKS - The system the City uses to investigate and ensure that those authorized to sell cannabinoid or licensed products are following and complying with the requirements of this ordinance. Compliance checks involve the use of persons under 21 who purchase or attempt to purchase cannabinoid or licensed products. Compliance checks may also be conducted by the City or other units of government for educational, research, and training purposes,

or for investigating or enforcing Federal, State, or local laws and regulations relating to cannabinoid or licensed products.

EDIBLE CANNABINOID PRODUCT – Any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in connection with food ingredients, and is not a drug.

~~**EXCLUSIVE LIQUOR STORE**—An establishment that meets the definition of exclusive liquor store in Minn. Stats., § 340A.101, subd. 10.~~

LICENSED PRODUCT OR THC PRODUCT - Any product that contains more than trace amounts of tetrahydrocannabinol and that meets the requirements to be sold for human or animal consumption under Minn. Stats., § 151.72, as may be amended from time to time. Licensed product does not include medical cannabis as defined in Minn. Stats., § 152.22, subd. 6, as may be amended from time to time.

MOVEABLE PLACE OF BUSINESS - Any form of business operated out of a kiosk, truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address storefront or other permanent type of structure authorized for sales transactions.

OPERATOR - The person in legal possession and control of a location by reason of ownership, lease, contract or agreement, for the sale of cannabinoid products at retail.

RETAIL ESTABLISHMENT - Any place of business where cannabinoid or licensed products are available for sale to the general public, including, but not be limited to, grocery stores, tobacco products shops, CBD stores, convenience stores, gasoline service stations, bars, and restaurants.

SALE - Any transfer of goods for money, trade, barter, or other consideration.

SELF-SERVICE MERCHANDISING - Open displays of cannabinoid or licensed products in any manner where any person has access to the cannabinoid or licensed products without the assistance or intervention of the licensee or the licensee's employee. Assistance or intervention means the actual physical exchange of the cannabinoid or licensed product between the customer and the licensee or employee.

THC – Abbreviation for tetrahydrocannabinol.

VENDING MACHINE - Any mechanical, electric, or electronic, or other type of device that dispenses cannabinoid or licensed products upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the cannabinoid or licensed product.

§ 298-6. Ineligibility and Basis for Denial of License.

A. Ineligibility.

(1) Moveable Place of Business. No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this ordinance.

~~(2) Exclusive Liquor Store. No license shall be issued to an exclusive liquor store as defined in Minn. Stats., § 340A.101, subd. 10.~~

~~(3)~~(2) No license will be approved unless the premises proposed to be licensed complies with all applicable zoning requirements.

~~(4)~~(3) The retail establishment shall be located not less than 300 feet of a school, as measured door to door.

- B. Grounds for Denial. Grounds for denying the issuance or renewal of a license under this ordinance include, but are not limited to, the following:
- (1) The applicant is under the age of 21 years.
 - (2) The applicant is prohibited by Federal, State, or other local law, ordinance, or other regulation from holding a license.
 - (3) The applicant has been convicted within the past five years for any violation of a Federal, State, or local law, other ordinance, provision, or other regulation relating to the licensed products.
 - (4) The applicant has had a license to sell licensed products suspended or revoked during the 12 months preceding the date of application, or the applicant has or had an interest in another premises authorized to sell licensed products, whether in the City or in another jurisdiction, that has had a license to sell licensed products suspended or revoked during the same time period, provided the applicant had an interest in the premises at the time of the revocation or suspension, or at the time of the violation that led to the revocation or suspension.
 - (5) The applicant is a business that does not have an operating officer or manager who is eligible pursuant to the provisions of this ordinance.
 - (6) The applicant is the spouse of a person ineligible for a license pursuant to the provision of Subsections (b)(2) and (3) of this section or who, in the judgement of the Council, is not the real party in interest or beneficial owner of the business to be operated, under the license.
 - (7) The applicant fails to provide any information required on the application or provides false or misleading information. Any false statement on an application, or any willful omission of any information called for on such application form, shall cause an automatic refusal of license, or if already issued, shall render any license issued pursuant thereto void and of no effect to protect the applicant from prosecution for violation of this chapter, or any part thereof.
- C. No license shall be granted or renewed for operation on any premises on which real estate taxes, assessments, or other financial claims of the City or of the State are due, delinquent, or unpaid. If an action has been commenced pursuant to the provisions of Minn. Stats., Ch. 278, questioning the amount or validity of taxes, the Council may, on application by the licensee, waive strict compliance with this provision; no waiver may be granted, however, for taxes, or any portion thereof, which remain unpaid for a period exceeding one year after becoming due unless such one-year period is extended through no fault of the licensee.
- D. If a license is mistakenly issued or renewed to a person, the City will revoke the license upon the discovery that the person was ineligible for the license under this ordinance. The City will provide the license holder with notice of the revocation, along with information on the right to appeal.

Section 2 – Effective Date.

This ordinance shall take effect upon its passage and publication in the official City newspaper.

Adopted by the City Council this _____ day of _____ 2023.

Mayor James Gordon

Attest:

Jaden Strand
City Clerk

Posted on: 5-18-2023
Adopted on:
Published on:
Effective Date: