

**ORDINANCE NO. 2023- 05**

**AN ORDINANCE FOR THE CITY OF HASTINGS, MINNESOTA, AMENDING HASTINGS CITY CODE CHAPTER 155 - ZONING ORDINANCE REGARDING USES, SALES AND OPERATIONS OF CANNABIS AND HEMP BUSINESSES**

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The City Council of the City of Hastings, Dakota County, Minnesota, does hereby ordain as follows:

**SECTION 1. AMENDMENT.** The Code of the City of Hastings, County of Dakota, State of Minnesota, Chapter 155, Section 155.21.D Special Use Permits in the A - Agricultural District shall be amended as follows:

**D. Uses by Special Permit**

5. Cannabis, medical cannabis and hemp growing, cultivating or farming operations pursuant to the following conditions:
  - a. A minimum of 100 contiguous acres under single ownership is required for the operation;
  - b. The operator must be licensed by the State of Minnesota;
  - c. The sale of cannabis products is not permitted on the same property as the operation.

**SECTION 2. AMENDMENT.** The Code of the City of Hastings, County of Dakota, State of Minnesota, Chapter 155, Section 155.30.C Special Use Permits in the C-3 Community Regional Commerce District shall be amended as follows:

**C. Uses by Special Permit**

10. Cannabis retailer, edible retailer, medical retailer, and medical cannabis distribution facility that comply with the requirements in City Code Section 155.07.J.

**SECTION 3. AMENDMENT.** The Code of the City of Hastings, County of Dakota, State of Minnesota, Chapter 155, Section 155.32.C Special Use Permits in the C-4 Regional Shopping Center District shall be amended as follows:

**C. Uses by Special Permit**

6. Cannabis retailer, edible retailer, medical retailer, and medical cannabis distribution facility that comply with the requirements in City Code Section 155.07.J.

**SECTION 4. AMENDMENT.** The Code of the City of Hastings, County of Dakota, State of Minnesota, Chapter 155, Section 155.34.C Special Use Permits in the I-1 Industrial Park District shall be amended as follows:

C. Uses by Special Permit

4. Cannabis, medical cannabis or hemp manufacturer, testing facility, wholesaler and processor.

**SECTION 5. AMENDMENT.** The Code of the City of Hastings, County of Dakota, State of Minnesota, Chapter 155, Section 155.07 SPECIAL PROVISIONS shall be amended by adding the following section for Cannabis Businesses as follows:

J. *Cannabis Businesses.* Because the City recognizes that persons under the age of twenty-one (21) years may purchase or otherwise obtain, possess and use intoxicating cannabis products; and the sale of these products to persons under twenty-one (21) years of age are violations of State and Federal laws; and because the use of intoxicating cannabis products by those underage subsequently places a financial burden on all levels of government, this chapter is intended to regulate the sale of intoxicating cannabis products and cannabis-related devices for the purpose of enforcing and furthering existing laws.

1. The following words, terms, and phrases when used in this Chapter shall have the meaning ascribed to them in this Section except where the context clearly indicates a different meaning:

ADULT-USE CANNABINOID or CANNABIS PRODUCT: means any cannabinoid product authorized for sale under Minnesota state law. It includes edible cannabinoid products but not medical cannabinoid products.

CANNABINOID: means any of the chemical constituents of hemp plants or cannabis plants that are naturally occurring, biologically active, and act on the cannabinoid receptors of the brain. Cannabinoid includes but is not limited to tetrahydrocannabinol and cannabidiol.

CANNABINOID or CANNABIS PRODUCT: means any of the following:

- a. Cannabis concentrate;
- b. A product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower;
- c. Any other product that contains cannabis concentrate;
- d. A product infused with artificially derived cannabinoids;
- e. Adult-use cannabinoid products;
- f. Edible cannabinoid products;
- g. Medical cannabinoid products.

It does not include cannabis flower, artificially derived cannabinoids or hemp-derived consumer products.

**CANNABIS:** means a compound of the cannabis plant known as cannabidiol.

**CANNABIS BUSINESS:** means a cultivator, manufacturer, retailer, wholesaler, transporter, testing facility, event organizer, delivery service, edible retailer, medical cultivator, medical processor and medical retailer, of cannabis, cannabis products or cannabis related devices.

**CANNABIS RELATED DEVICES:** means any equipment, products or materials of any kind which are used, intended for use, or designed for use in repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling or otherwise introducing cannabis or cannabis products into the human body.

**CERTIFIED HEMP:** means hemp products that have been tested and found to meet the requirements of Minnesota Statutes, Chapter 18K, and the rules adopted thereunder by the State of Minnesota.

**EDIBLE CANNABINOID or CANNABIS PRODUCT:** means any product that is intended to be eaten or consumed as a food or beverage, contains a cannabinoid in combination with food ingredients, and is not a drug.

**HEMP OR INDUSTRIAL HEMP:** means the “Industrial Hemp” definition provided under Minnesota Statutes Section 18K.02 subdivision 3.

**HEMP MANUFACTURING:** means the ability to facilitate the manufacturing of industrial hemp.

**INTOXICATING CANNABINOID or CANNABIS:** means a cannabinoid, including an artificially derived cannabinoid, that when introduced into the human body impairs the central nervous system or impairs the human audio, visual, or mental processes. Intoxicating cannabinoid includes but is not limited to, any THC.

**MEDICAL CANNABIS:** means the definition provided under Minnesota Statutes Section 152.22, subdivision 6.

**MEDICAL CANNABIS DISTRIBUTION FACILITY:** means a facility operated by a medical cannabis manufacturer for purposes of distributing medical cannabis in accordance with Minnesota Statutes Section 152.29, subdivision 1(a), and the requirements of the Commissioner of Minnesota Department of Health or other applicable state law.

**MOVABLE PLACE OF BUSINESS:** means any form of business operated out of a truck, van, automobile, trailer, tent, table, or booth, that is transportable and not a fixed address store front or other permanent type of structure.

**NON-INTOXICATING CANNABINOID or CANNABIS PRODUCT:** means products made from substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by any route of administration. This may include tinctures, creams, lotions, ointments, or salves.

**THC:** means tetrahydrocannabinol.

## 2. Performance Standards:

- a. A cannabis business shall only operate in an authorized zoning district with approved State and local license or registration.
- b. Any person selling or distributing cannabis products shall require proof of age by means of government issued photographic identification from the prospective purchaser showing purchaser is twenty-one (21) years old or older.
- c. Signage identifying the legal sales age and the age verification requirement shall be posted at the point of sale. The required signage shall be posted in a manner so that it is clearly visible to anyone who is considering or making a purchase. The sign shall provide notice that all persons responsible for selling these products must verify the age of any person under thirty (30) years of age, by means of photographic identification required in this section, containing the bearer's date of birth.
- d. Cannabis products must comply with the testing, labeling and packaging requirements in Minnesota State law.
- e. No sales or distribution of intoxicating cannabis products shall be allowed at the licensed premises after 10 p.m. or before 8:00 a.m.
- f. It shall be unlawful for a retailer to allow the sale of intoxicating cannabis products or cannabis related devices by any means whereby a customer has access to such items without having to request the item from the retailer or the retailer's employee. There shall be a physical exchange of the intoxicating cannabis product or cannabis-related devices between the retailer or the retailer's employee and the customer. All intoxicating cannabis products and cannabis-related devices shall be either stored behind a counter or other area not freely accessible to

customers, or in a storage unit or case not open and accessible to the general public.

- g. All retail establishments of intoxicating cannabis products shall have a security plan approved by the Police Chief stating how the facility will address public health, welfare and safety concerns including, but not limited to security, fencing, lighting, window coverings, door placement, and landscaping.
- h. Compliance Checks and Inspections:

All licensed premises must be open to inspection by the local law enforcement or other authorized City officials during regular business hours. From time to time, but at least once per year, the City will conduct compliance checks on Retailers and Edible Retailers of intoxicating cannabis products by engaging persons between the ages of seventeen (17) and twenty-one (21) years, to enter the licensed premises to attempt to purchase intoxicating cannabis products. Persons used for compliance checks are not guilty of the unlawful purchase or attempted purchase, nor the unlawful possession of intoxicating cannabis products when the items are obtained or attempted to be obtained as a part of the compliance check. No person used in compliance checks may attempt to use a false identification misrepresenting the person's age, and all persons lawfully engaged in a compliance check may answer all questions about the person's age asked by the retailer or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this section prohibits compliance checks authorized by State or Federal laws for educational, research or training purposes, or required for the enforcement of a particular State or Federal law.

### 3. Prohibited Acts:

- a. It shall be unlawful for any person to sell, purchase, obtain or otherwise provide any intoxicating cannabis product to any person under the age of twenty-one (21).
- b. It shall be unlawful for any person under the age of twenty-one (21) to possess any intoxicating cannabis product. This chapter shall not apply to persons under the age of 21 lawfully involved in a compliance check.
- c. It shall be unlawful for any person under the age of twenty-one (21) to use or consume any intoxicating cannabis product, unless it is legally authorized medical cannabis.

- d. It shall be unlawful for any person under the age of twenty-one (21) to attempt to disguise the person's true age by the use of a false form of identification, whether the identification is that of another person or one in which the age of the person has been modified or tampered with, to represent an age older than the actual age of the person, in order to purchase any intoxicating cannabis product.
- e. No adult-use cannabinoid or cannabis product may contain more than 0.3% of THC.
- f. No edible cannabis product can contain an amount of THC that exceeds the per serving or per package requirements in Minnesota State law.
- g. No intoxicating cannabis product may be sold to an obviously intoxicated person or a person under the influence of a controlled substance.
- h. No one under the age of twenty-one (21) shall sell intoxicating cannabis products.
- i. Intoxicating cannabis products cannot be sold in vending machines, by transient merchants, peddlers, at a movable place of business, through a drive-through window, at special events, home occupations, by internet sales or delivery service.
- j. Intoxicating cannabis products cannot be sold at exclusive liquor stores or on-sale liquor establishments.
- k. No sampling or free donations or distributions of intoxicating cannabis products is allowed.
- l. No sales of intoxicating cannabis products may be completed through self-check-out. The retailer or retailer's employee must process each transaction at a point of sale.

**SECTION 6. SUMMARY PUBLICATION.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance.

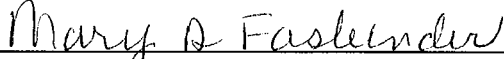
The text amendment adopted by the Hastings City Council on \_\_\_\_\_, 2023 modifies the City Ordinance to regulate cannabis and hemp operations and uses by allowing them in specific zoning districts with performance standards.

**SECTION 7. MORATORIUM TERMINATION; EFFECT ON EXISTING AND NEW BUSINESSES.**

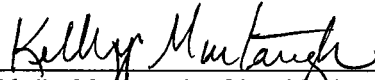
- A. Upon adoption of this ordinance, the Interim Ordinance Prohibiting the Establishment of New Uses or the Expansion of Existing Uses Related to Cannabis and Intoxicating Cannabinoids (CBD) Sales, Testing, Manufacturing or Distribution, adopted on September 19, 2022, is hereby terminated.
- B. Existing cannabis businesses that do not comply with this ordinance as of the date of adoption may be allowed to continue to operate as a cannabis business until the Effective Date, after which time they shall be required to be in full compliance with City licensing or registration requirements and all zoning requirements.
- C. No new cannabis business shall be allowed to open or start operating from the date of adoption of this ordinance without being in full compliance with all City ordinances.

**SECTION 8. EFFECTIVE DATE.** This ordinance shall be in full force and effect on July 1, 2023.

Passed this 20th day of March, 2023.

  
Mary Fasbender, Mayor

Attest:

  
Kelly Murtaugh, City Clerk

Published in the Hastings Journal on March 23, 2023 & March 30, 2023