

ORDINANCE NO. 22-07

**AN INTERIM ORDINANCE TEMPORARILY PROHIBITING
SALES, TESTING, MANUFACTURING AND DISTRIBUTION OF
CERTAIN THC PRODUCTS**

THE CITY OF OAK GROVE DOES ORDAIN:

Section 1. Authority and Findings.

- A. The Minnesota Legislature recently amended Minnesota Statutes, section 151.72 (“Amendment”) relating to the sale of certain cannabinoid products. The Amendment permits the sale of edible cannabinoid products for consumption provided such products do not contain more than 0.3% of tetrahydrocannabinol (“THC”) nor an amount of any THC that exceeds more than five milligrams in a single serving, or more than a total of 50 milligrams of any THC per package (“THC Products”). Sales of THC Products became legal on July 1, 2022.
- B. The Amendment allows sales of THC Products and establishes certain labeling and testing requirements but does not establish licensing criteria or parameters for retailers. The Amendment, however, does not prohibit local regulation.
- C. Minnesota Statutes, section 462.355, subd. 4 provides that if a municipality has authorized a study related to potential adoption or amendment to an official control, the city council may adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. An interim ordinance may regulate, restrict, or prohibit any use within the city for a period of up to one year.
- D. The City Council believes that studying the sales, testing, manufacturing and distribution of THC Products is necessary to evaluate the regulatory options available to the City for the purpose of protecting the health and safety of Oak Grove’s residents.
- E. This interim ordinance is necessary to preserve the public peace, health, morals, safety, and welfare because of the inherent risk of injury to persons related to the recently legalized sale of edible cannabinoid products containing THC. A prohibition on uses related to the sale of such products is necessary to ensure that the City has sufficient time to study potential regulations that will protect the health and safety of the residents of Oak Grove.

Section 2. Study. The City Council hereby authorizes and directs City staff to study the issues relating to the sales, testing, manufacturing, and distribution of THC Products and then make a recommendation to the City Council about whether to amend zoning, business-licensing, or other general Code provisions related to these types of uses to protect the residents of Oak Grove.

Section 3. Moratorium. The following moratorium is established:

- A. No business, person or entity may establish or continue a use that includes or involves the sale, testing, manufacturing, or distribution of THC Products for a period of up to six (6) months from the effective date of this Ordinance or until the Council repeals this Ordinance, whichever occurs first.
- B. During the term of this Ordinance, the City staff will not issue any license or permit, nor accept or process any applications for uses related to the sale, testing, manufacturing, or distribution of THC Products.
- C. This moratorium does not apply to the sale, testing, manufacturing, or distribution of products that were lawful prior to the July 1, 2022 effective date of the Amendment.

Section 4. Enforcement. In addition to any criminal penalties allowed by law, the City may enforce this Interim Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also subject to the City's general penalty in the Oak Grove City Code.

Section 5. Severability. Every section, subsection, provision, or part of this Ordinance is declared severable from every other section, subsection, provision, or part. If any section, subsection, provision, or part of this interim ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, subsection, provision, or part.

Section 6. Effective Date; Duration. This emergency ordinance shall become effective immediately upon publication as provided by law, unless the person charged with violation had actual notice of the passage of the Ordinance prior to the act or omission complained of. It shall be effective until the earlier of the following events: (a) one year from the effective date of this Ordinance or (b) the date upon which the City Council adopts an ordinance repealing this Ordinance.

Section 7. Summary. The Council approves the following summary for publication which clearly informs the public of the intent and effect of this Ordinance:

The purpose of this Ordinance is to authorize a study related to the sales, testing, manufacturing, and distribution of recently legalized consumable cannabinoid products. Staff will then make a recommendation to the City Council about whether to amend its zoning, business-licensing, or other general Code provisions. During the term of this Ordinance, no business, person, or entity may establish or continue a use that includes or involves the sale, testing, manufacturing, or distribution of consumable cannabinoid products that were legalized on July 1, 2022, by the amendment to Minnesota Statutes, section 151.72.

Passed by the City Council this 29th day of August 2022.



Mayor

ATTEST:



City Clerk

(SEAL)