

**CITY COUNCIL OF THE CITY OF DASSEL
PUBLIC HEARING NOTICE
INTERIM ORDINANCE**

NOTICE IS HEREBY GIVEN that on Monday, August 15, 2022 at 7:00 p.m. the Dassel City Council will hold a public hearing in the City Hall on an on Interim Ordinance temporarily prohibiting the manufacture, distribution and sale of certain edible cannabinoid products, thereby allowing the City to evaluate possible regulations.

Copies of the full text for the proposed interim ordinance are available at the Dassel City Clerk's office, 460 Third St, Dassel, MN and on the City's website www.dassel.com.

The Council will hear all persons interested parties at that time. Written comments may be submitted at any time prior to the Council meeting.



Terri Boese
City Clerk/Treasurer
City of Dassel

Published August 12, 2022
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**CITY OF DASSEL,
MEEKER COUNTY, MINNESOTA**

**AN INTERIM MORATORIUM ORDINANCE TEMPORARILY PROHIBITING THE
SALE, MANUFACTURE, AND DISTRIBUTION OF PRODUCTS CONTAINING
TETRAHYDROCANNABINOL**

§ 1 FINDINGS AND PURPOSE.

- A. By enacting Laws 2022, Chapter 98, Article 13 the Minnesota Legislature amended Minn. Stat. §151.72 and legalized the sale of certain edible cannabinoid products containing tetrahydrocannabinol (“THC Products”).
- B. While this new law contains some requirements including labeling, testing, and a minimum age to purchase, it does not include adequate parameters regulating sales, production, compliance checks, access to minors, background checking of sellers, zoning, or other guidance on how to protect the public health, safety, and welfare in connection with the sale, production, or distribution of THC Products.
- C. The Legislature has, however, given local jurisdictions the discretion to regulate the sale, manufacture, and distribution of these THC Products.
- D. Pursuant to Minnesota Statutes, § 462.355 subdivision 4, many cities are adopting interim ordinances in order to study the impacts of certain uses of THC Products and determine whether licensing and or zoning ordinances or other regulations are appropriate for the purpose of protecting the public health, safety, and welfare of their citizens.
- E. Pursuant to its general police powers, including but not limited to, Minn. Stat. § 412.221, Subd. 32, and the decision of the Minnesota Supreme Court in *Almquist v. Town of Marshan*, 245 N.W.2d 819, 308 Minn. 52 (1976), (holding that a municipality has the power to impose a moratorium of limited duration), the City of Dassel (“City”) may enact and enforce regulations or restrictions on THC Products within the City to protect the public safety, health, and welfare, including restrictions and a moratorium on the use of sales, testing, manufacturing, and distribution, during the pendency of a study to determine the need for police power regulations, including but not necessarily limited to licensing, permitting, and zoning / land usage.
- F. The City has previously exercised its police powers to regulate the sales and distribution of products such as alcohol.
- G. The City finds there is a need to study THC Products and uses and businesses related thereto, in order to assess the necessity for and efficacy of regulation and restrictions relating to the sales, testing, manufacturing, and distribution of THC Products, including through licensing and/or zoning ordinances, all in order to protect the public health, safety, and welfare.

- H. The study will allow the City Council to determine the appropriate changes, if any, that it should make to the City's Code of Ordinances.
- I. The City Council therefore finds that there is a need to adopt a City-wide moratorium on the sale, testing, manufacturing, and distribution of THC Products within the City while City staff studies the issue.
- J. The provisions of Dassel City Code which establish a process for enacting ordinances do not apply to interim ordinances adopted pursuant to Minn. Stat. § 462.355, subd. 4. However, in accordance with that statute a duly noticed public hearing was held before the City Council on August 15, 2022.

NOW, THEREFORE, the City Council of the City of Dassel does ordain:

§ 2. DEFINITIONS. The definitions in 2022 Minnesota Session Laws, Article 13, Sec. 3, are incorporated herein.

§ 3. MORATORIUM.

- A. No individual, establishment, organization, or entity may sell, test, manufacture, or distribute within the City of Dassel any THC Products during the Term of this Interim Moratorium Ordinance.
- B. the City shall not issue any license or permit related to THC Products during the Term of this Interim Moratorium Ordinance.
- C. No license or permit application of any kind, by any individual, establishment, organization, or entity involved in the proposed sale, testing, manufacturing, or distribution of THC Products within the City shall be accepted or considered during the Term of this Interim Moratorium Ordinance.
- D. Land use applications related to THC Products or applications from individuals, establishments, organizations, or businesses involved in the proposed sale, testing, manufacturing, or distribution of THC Products within the City shall not be accepted or considered during the Term of this Interim Moratorium Ordinance.
- E. This Moratorium does not apply to the selling, testing, manufacturing, or distributing of THC Products under the Medical Cannabis Program as administered by the Minnesota Department of Health, provided that such activity is done in accordance with the regulations and laws of Minnesota regarding Medical Cannabis.

§ 3. STUDY. The City Council directs City staff, in consultation with the City Attorney, to study the need for local regulation regarding the sale, testing, manufacturing, and distribution of THC Products within the City. Staff must also study the need for creating or amending zoning ordinances, licensing ordinances, or any other ordinances to protect the citizens of the City and the general public from any potential negative impacts of edible THC Products. Upon completion of the study, the City Council will consider the advisability of adopting new ordinances or amending its current ordinances.

§ 4. ENFORCEMENT. The City may enforce this Interim Ordinance by mandamus, injunctive relief, or other appropriate civil remedy in any court of competent jurisdiction. The City Council hereby authorizes the City Clerk/Treasurer, in consultation with the City Attorney, to initiate any legal action deemed necessary to secure compliance with this Ordinance. A violation of this Ordinance shall also be a misdemeanor punishable according to the misdemeanor limits set by state law.

§ 5. TERM. The Moratorium established under this Interim Moratorium Ordinance shall remain in effect for a period of twelve (12) months from its effective date, or until rescinded by the City Council, whichever occurs first, at which point it will automatically expire.

§ 6. EFFECTIVE DATE. This Interim Ordinance shall be in full force and effect from and after its passage by the Dassel City Council and publication.

Passed this 15th day of August, 2022.

Ayes:

Nays:

Attest:

Ron Hungerford, Mayor

Terri Boese, City Clerk/Treasurer