

**CITY OF MOUNDS VIEW  
MOUNDS VIEW CITY HALL  
NOTICE OF SPECIAL CITY COUNCIL MEETING  
AGENDA  
Monday, July 31, 2023  
7:30 p.m.**

NOTICE IS HEREBY GIVEN that the City Council of the City of Mounds View, Minnesota (the "City") will hold a special meeting on July 31, 2023, at 7:30 p.m., at Mounds View City Hall, 2401 Mounds View Boulevard, Mounds View, Minnesota for the following purposes:

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Acting Mayor Meehlhause, Council Members Cermak, Gunn and Lindstrom
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**
6. **SPECIAL ORDER OF BUSINESS**
7. **PUBLIC COMMENT**

Citizens may speak to issues not on tonight's agenda. Before speaking, please give your full name and address for the minutes. Also, please limit your comments to three minutes

8. **CITY BUSINESS**
  - A. First Reading and Introduction of Interim Ordinance 1006 Authorizing a Study and Imposing a Moratorium on the Operation of Cannabis Businesses within the City of Mounds Views
  - B. Introduction and First reading of Ordinance 1007 Prohibiting Use of Cannabis and Hemp in Public Places
  - C. General Discussion/Issues regarding the above-referenced matters
9. **REPORTS**
  - A. Reports of Mayor and Council
  - B. Reports of Staff
  - C. Reports of City Attorney
10. **NEXT COUNCIL WORK SESSION:** Monday, August 7, 2023, at 6:00 p.m.  
**NEXT SPECIAL COUNCIL MEETING:** Monday, August 7, 2023, at 6:00 p.m.
11. **ADJOURNMENT**

**THIS PAGE LEFT BLANK INTENTIONALLY**

**ORDINANCE NO. 1006**

**CITY OF MOUNDS VIEW  
COUNTY OF RAMSEY  
STATE OF MINNESOTA**

**AN INTERIM ORDINANCE AUTHORIZING A STUDY AND  
IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS  
BUSINESSES WITHIN THE CITY OF MOUNDS VIEW**

**THE CITY OF MOUNDS VIEW ORDAINS:**

**SECTION 1. Legislative Findings and Authority**

- A. The Minnesota Legislature recently enacted, and the Governor signed, 2023 Minnesota Session Laws, Chapter 63 – H.F. No. 100 (the “Act”), which is comprehensive legislation relating to cannabis including, but not limited to, the establishment of the Office of Cannabis Management (“OCM”), legalizing and limiting the possession and use of cannabis and certain hemp products by adults, providing for the licensing, inspection, and regulation of cannabis and hemp businesses, taxing the sale of cannabis flower, cannabis products, and certain hemp products, establishing grant and loan programs, amending criminal penalties, providing for expungement of certain convictions, and providing for the temporary regulation of Edible Cannabinoid Products.
- B. The Act provides local units of government certain authority related to Cannabis Businesses, including the authority to (i) require local registration of certain Cannabis Businesses operating retail establishments, (ii) adopt reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, provided that such restrictions do not prohibit the establishment or operation of a Cannabis Business, (iii) limit the number of certain Cannabis Businesses based on the population of the community, and (iv) prohibit the operation of a Cannabis Business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.
- C. The Act requires the OCM, which was established effective July 1, 2023, to work with local governments to develop model ordinances for reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses. The Act also requires the OCM to establish additional rules and regulations relating to the operation of Cannabis Businesses. It is anticipated that the city of Mounds View (the “City”) will benefit from reviewing and analyzing the OCM’s model ordinances, rules and regulations before making any decisions related to the regulation of Cannabis Businesses in the City.
- D. The Act (Minnesota Statutes, section 342.13(e)) expressly allows a local unit of government that is conducting studies or has authorized a study to be conducted or has held or scheduled a hearing for the purpose of considering adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses to adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit the operation of Cannabis Businesses within the jurisdiction or a portion thereof until January 1, 2025.
- E. Given the uncertainty regarding the model ordinances to be developed by the OCM and the broad scope of the changes to Minnesota law brought about by the Act, the City desires to adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.

- F. The City desires to conduct a study for the purpose of considering the adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses as well as the other regulations local units of government may adopt under the Act.
- G. On August 7, 2023, after providing at least 10 days published notice, the City Council held a public hearing regarding the consideration and adoption of an interim ordinance prohibiting the operation of Cannabis Businesses within the City until January 1, 2025.

**SECTION 2. Definitions.** For purposes of this Ordinance, the following terms shall have the meaning given them in this section.

- A. “Act” means 2023 Minnesota Session Laws, Chapter 63 (H.F. No. 100).
- B. “Cannabis Business” has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 14.
- C. “City” means the city of Mounds View, a Minnesota municipal corporation.
- D. “Edible Cannabinoid Product” has the meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(f).
- E. “OCM” means the Office of Cannabis Management, established as set forth in Minnesota Statutes, section 342.02, subd. 1.
- F. “Ordinance” means this interim ordinance, which is adopted pursuant to Minnesota Statutes, section 342.13(e).

**SECTION 3. Study Authorized.** The City Council hereby authorizes and directs City staff to conduct a study regarding the adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, as well as other potential local regulations allowed under the Act, and report to the City Council on the potential regulation of Cannabis Businesses. The study may include a review of any model ordinances that OCM is directed to draft under Minnesota Statutes, section 342.13(d), an analysis of potential setback regulations allowed under Minnesota Statutes, section 342.13(c), and such other matters as staff may determine are relevant to the City Council’s consideration of this matter. The report may also include City staff’s recommendations on whether the City Council should adopt regulations and, if so, the recommended types of regulations.

**SECTION 4. Moratorium.** A moratorium is hereby imposed on the operation of any Cannabis Business within the City. During the term of this Ordinance, no business, person, or entity may establish or operate a Cannabis Business within the jurisdictional boundaries of the City. Accordingly, during the period that this Ordinance is in effect, the City shall not accept, process, or act on any application, site plan, building permit, zoning request, or other approval, including any requested confirmation, certification, approval, or other request from the OCM or other governmental entity requesting City review of any application or proposal for a business proposing to engage in the operation of a Cannabis Business. During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to establish or operate a Cannabis Business within the City.

**SECTION 5. Exceptions.** The moratorium imposed by this Ordinance does not apply to: (i) the continued operation of a duly established business as part of the Medical Cannabis Program administered by the Minnesota Department of Health that was lawfully operating within the City prior to the effective date of this Ordinance; or (ii) the sale of Edible Cannabinoid Products under Minnesota Statutes, Section 151.72, provided,

however, that nothing in this Ordinance exempts a business, person, or entity from complying with all other requirements and prohibitions of applicable laws and ordinances related to such exceptions.

**SECTION 6. Enforcement.** Violation of this Ordinance is a misdemeanor. The City may also enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also subject to the City’s general penalties prescribed in the city code and may further result in the City reporting violations to the OCM, if relevant to OCM licensing. The City Council hereby authorizes City staff and consultants to initiate any legal action deemed necessary to secure compliance with this Ordinance.

**SECTION 7. Severability.** Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

**SECTION 8.** In accordance with Section 3.07 of the City Charter, City staff shall have the following summary printed in the official City newspaper in lieu of the complete ordinance:

On August 7, 2023, the City Council adopted Ordinance 1006 Authorizing a Study and Imposing a Moratorium on the Operation of Cannabis Businesses within the City of Mounds View.

A printed copy of the ordinance is available for inspection during regular business hours at Mounds View City Hall and is available on line at the City’s web site located at [www.moundsviewmn.org](http://www.moundsviewmn.org).

**Section 9. Effective Date and Term.** This Ordinance shall take effect and be in force 30 days from and after its passage and publication, in accordance with Section 3.09 of the City Charter. This Ordinance shall remain in effect until January 1, 2025, or until the City Council expressly repeals it, whichever occurs first.

First Reading:	July 31, 2023
Second Reading:	August 7, 2023
Date of Publication:	August 9, 2023
Date Ordinance Takes Effect:	September 8, 2023

Attest:

\_\_\_\_\_  
Gary Meehlhause, Acting Mayor

\_\_\_\_\_  
Nyle Zikmund, City Administrator

(SEAL)

**THIS PAGE LEFT BLANK INTENTIONALLY**

**ORDINANCE NO. 1007**

**CITY OF MOUNDS VIEW  
COUNTY OF RAMSEY  
STATE OF MINNESOTA**

**AN ORDINANCE ADDING A NEW CHAPTER TO THE MOUNDS VIEW CITY CODE  
TO PROHIBIT THE USE OF CANNABIS AND HEMP IN PUBLIC PLACES**

**THE CITY OF MOUNDS VIEW ORDAINS:**

**SECTION 1.** The City Council of the City of Mounds View hereby amends Title 8 of the Mounds View Municipal Code by adding a new Chapter 133 as follows:

**CHAPTER 133: USE OF CANNABIS AND HEMP PRODUCTS PROHIBITED  
IN PUBLIC PLACES.**

**§ 133.001 DEFINITIONS.**

(A) For purposes of this chapter, the terms “cannabis flower,” “cannabis products,” “lower-potency hemp edibles,” and “hemp-derived consumer products” shall have the definitions given to them in Minnesota Statutes, section 342.01, as it may be amended from time to time.

(B) For purposes of this chapter, “public place” is defined as any indoor or outdoor area that is used or held out for use by the public whether owned or operated by public or private interests. Pursuant to Minnesota Statutes, section 152.0263, subd. 5, “public place” does not include the following: (i) a private residence, including the person's curtilage or yard; (ii) private property not generally accessible by the public; and (iii) the premises of an establishment or event licensed to permit on-site consumption of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.

**§ 133.001 USE OF CANNABIS AND HEMP PROHIBITED IN PUBLIC PLACES.**

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place. A violation of this section shall be considered a petty misdemeanor notwithstanding any other penalty provision in the city code, and the city council may establish a corresponding fine in its fee schedule for violations of this section.

**SECTION 2.** In accordance with Section 3.07 of the City Charter, City staff shall have the following summary printed in the official City newspaper in lieu of the complete ordinance:

On August 7, 2023, the City Council adopted Ordinance 1007 that amends the Mounds View City Code by adding Chapter 133 related to the use of Cannabis and Hemp in public places. A printed copy of the ordinance is available for inspection during regular business hours at Mounds View City Hall and is available on line at the City's web site located at [www.moundsviewmn.org](http://www.moundsviewmn.org).

**SECTION 3.** This ordinance shall take effect and be in force 30 days from and after its passage and publication, in accordance with Section 3.09 of the City Charter.

First Reading:	July 31, 2023
Second Reading:	August 7, 2023
Date of Publication:	August 9, 2023
Date Ordinance Takes Effect:	September 8, 2023

\_\_\_\_\_  
Gary Meehlhause, Acting Mayor

Attest:

\_\_\_\_\_  
Nyle Zikmund, City Administrator

(SEAL)