

**CITY OF ST. AUGUSTA  
STEARNS COUNTY  
STATE OF MINNESOTA**

**ORDINANCE NO. 2022-03**

**AN INTERIM ORDINANCE PROHIBITING THE SALE, TESTING,  
MANUFACTURING, AND DISTRIBUTION OF THC PRODUCTS**

**NOW, THEREFORE**, the City Council of the City of St. Augusta does ordain:

**SECTION 1. BACKGROUND.**

1. By enacting 2022 Session Law Chapter 98, Article 13, the Minnesota Legislature amended Minn. Stat. § 151.72 and permitted the sale of edible and nonedible cannabinoid products that contain no more than 0.3 % of Tetrahydrocannabinol, commonly known as THC (“THC Products”).
2. The new law does enact some requirements for labeling and testing, but the law provides no parameters regulating production, compliance checks, or sales of THC Products. The new law does not prohibit local regulation.
3. Pursuant to Minn. Stat. § 462.355, subd. 4, the City is authorized to enact by ordinance a moratorium to regulate, restrict or prohibit any use within the jurisdiction to protect the public health, safety, and welfare. Specifically, the City is authorized to enact a moratorium ordinance to allow it to undertake a study to determine whether to adopt any regulations or restrictions, including siting and location of uses, related to the sales, testing, manufacturing, and distribution of THC Products.
4. Pursuant to its general police powers, including but not limited to, Minn. Stat. § 412.221, subd. 32, the 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 and permitting.

**SECTION 2. FINDINGS.**

1. The City Council 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 or zoning ordinances, in order to protect the public health, safety, and welfares of its residents.
2. The study will allow the City Council to determine the appropriate changes, if any, that that it should make to City ordinances.

3. The City Council, therefore, finds that there is a need to adopt a City-wide moratorium of the sale, testing, manufacturing, and distribution of THC Products within the City while City staff studies the issue.

### **SECTION 3. MORATORIUM.**

1. No individual, establishment, organization, or business may sell, test, manufacture, or distribute THC Products within the City of St. Augusta for twelve (12) months from the effective date of this ordinance.
2. The City shall not issue any license or permit related to THC Products for twelve (12) months from the effective date of this ordinance. No license or permit application, of any kind, by any individual, establishment, organization, or businesses involved in the proposed sale, testing, manufacturing, or distribution of THC Products within the City of St. Augusta shall be accepted or considered for twelve (12) months from the effective date of this ordinance.
3. Planning or zoning 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 of St. Augusta shall not be accepted or considered for twelve (12) months from the effective date of this ordinance.

### **SECTION 4. STUDY.**

The City Council directs the Planning Commission and City staff to study the need for local regulation regarding the sale, testing, manufacturing, or distribution of THC Products within the City of St. Augusta. The Planning Commission and City staff must also study the need for creating or amending zoning ordinances, licensing ordinances, or any other ordinances to protect the citizens of St. Augusta from any potential negative impacts of THC Products. Upon completion of the study, the City Council, together with such commission as the City Council deems appropriate, or as may be required by law, will consider the advisability of adopting new ordinances or amending its current ordinances.

### **SECTION 5. ENFORCEMENT.**

The City may enforce this ordinance by mandamus, injunctive relief, or other appropriate civil remedy in any court of competent jurisdiction. The City Council hereby authorizes the City Administrator, in consultation with the City Attorney, to initiate any legal action deemed necessary to secure compliance with this ordinance.

Any person, persons, firm, corporation or other entity violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished pursuant to Minn. Stat. § 609.02, subd. 3, or as subsequently amended, plus costs of prosecution.

**SECTION 6. TERM.**

Unless earlier rescinded by the City Council, the moratorium established under this ordinance shall remain in effect until twelve (12) months from its effective date, at which point, it will automatically expire.

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall be in full force and effect from and after its passage by the City Council.

**ADOPTED** this 6<sup>th</sup> day of September 2022 by the City Council of the City of St. Augusta.

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Michael G. Zenzen, Mayor

**ATTEST:**

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William R. McCabe, City Administrator/Clerk