

ORDINANCE NO. 831

AN INTERIM ORDINANCE IMPOSING A MORATORIUM ON CANNABIS BUSINESSES IN WAYZATA

WHEREAS, the 2023 Minnesota State Legislature adopted an act legalizing and limiting, the possession, use and sale of cannabis and certain hemp products by adults, and providing for the regulation thereof by the State of Minnesota and its governmental subdivisions (2023 Session Law Ch. 63 [342] the “Act”); and

WHEREAS, the Act establishes a new state agency called the Office of Cannabis Management (OCM) to administer the Act; and

WHEREAS, the OCM has not yet developed “an organized system of regulation for the cannabis industry and hemp consumer industry” and the “model ordinances”, “standardized forms and procedures” and policies as required by the Act; and

WHEREAS, the City’s zoning ordinance, licensing framework and other regulations presently do not address many issues presented by the legalization, use and sale cannabinoid products as permitted by the Act; and

WHEREAS, the Act permits Minnesota cities to adopt an interim ordinance regulating, restricting or prohibiting the operation of “cannabis businesses” until January 1, 2025 for the purpose of protecting the planning process and the health, safety and welfare of its citizens and to conduct studies to consider adopting or amending allowable restrictions on the operation of a cannabis business; and

WHEREAS, the City Council finds that a moratorium on all cannabis businesses in the City is necessary for the foregoing purposes; and

WHEREAS, the City has given notice and conducted a public hearing on this Ordinance in accordance with Minnesota Statutes Sec. 342.13(e).

NOW, THEREFORE, THE CITY OF WAYZATA ORDAINS:

Moratorium Imposed. Pursuant to Minnesota Statutes Sec. 342.13, the City Council of Wayzata hereby imposes a moratorium prohibiting within the entire City of Wayzata the operation of any Cannabis Business (as defined in the Act to include: (1) cannabis microbusiness; (2) cannabis mezzobusiness; (3) cannabis cultivator; (4) cannabis manufacturer; (5) cannabis retailer; (6) cannabis wholesaler; (7) cannabis transporter; (8) cannabis testing facility; (9) cannabis event organizer; (10) cannabis delivery service; (11) medical cannabis cultivator; (12) medical cannabis processor; (13) medical cannabis retailer; and (14) medical cannabis combination business).

Scope of Moratorium. During the moratorium, the City shall not accept, issue or process any application for, or related to, any Cannabis Business. Any such application received by the City is hereby denied based on the findings and legal effect of this Ordinance. This moratorium does

not apply to the selling, testing, manufacturing, or distributing of cannabis products related to 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. This moratorium does not apply to the sale of Edible Cannabinoid Products allowed under Minn. Stat. Sec. 151.72 that contain no more than 0.3% of Tetrahydrocannabinol, (THC), and regulated under Wayzata Ordinance No. 828.

Study Authorized. During the moratorium, City staff is authorized and directed to study, review, and consider the impacts and potential regulation of Cannabis Businesses in the City of Wayzata in accordance with the Act, and propose any necessary and appropriate changes to the City's policies, ordinances, and official controls.

Effective Date and Duration. Pursuant to the Act, this Ordinance shall become effective upon passage and publication, and shall continue until January 1, 2025 or the latest period permitted by law, unless this Ordinance is rescinded earlier by the City Council or is superseded by City ordinance or state statute.

Adopted by the City Council this 10th day of October, 2023.

Johanna Mouton
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:	September 19, 2023
Second Reading:	October 10, 2023
Publication:	October 19, 2023