

ORDINANCE NO. 626
AN INTERIM ORDINANCE PROHIBITING THE ESTABLISHMENT OF
NEW USES OR THE EXPANSION OF EXISTING USES RELATED TO
THE RETAIL SALE OF EDIBLE CANNABIS PRODUCTS AND LOWER
POTENCY HEMP EDIBLES

THE CITY OF KIMBALL DOES ORDAIN:

PREAMBLE: The following ordinance is necessary for the immediate preservation of 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 cannabis products and lower potency hemp edibles as defined in Minn. Stat. §342.01, Subd. 31 and 50. A prohibition on the retail sale of such products is necessary to ensure that the City has sufficient time to study reasonable time place and manner restrictions that will protect the health and safety of the residents of Kimball.

Section 1. Authority and Findings.

- A. The Minnesota Legislature recently enacted Minnesota Statutes, §342.01, et seq. relating to the sale of edible cannabis products and lower potency hemp edibles. The new law permits the City to adopt an interim ordinance to regulate, restrict, or prohibit the operation of a cannabis business within the City until January 1, 2025 for the purpose of conducting studies for considering reasonable restrictions on the time, place, and manner of the operation of a cannabis business.
- B. The City Council believes that authorizing a study regarding the types of uses that involve the retail sale of edible cannabis products and lower potency hemp edibles is necessary to evaluate the regulatory options available to the City and is for the purpose of protecting the health and safety of Kimball's residents.

Section 2. Study. The City Council hereby authorizes and directs City staff to conduct a study of the issues relating to the retail sale of edible cannabis products and lower potency hemp edibles. Staff will then make a recommendation to the City Council about whether the City should amend its zoning, business- licensing, or other general Code provisions related to these types of uses to better protect the residents of Kimball.

Section 3. Moratorium. In accordance with the findings set forth herein, a moratorium is established as follows:

- A. The establishment of new uses or expansion of existing use to allow the retail sale of edible cannabis products and lower potency hemp edibles is hereby prohibited, for a period ending on January 1, 2025, or until the Council repeals this Ordinance, whichever occurs first.
- B. During the term of this Ordinance, the City staff will not issue any registration, nor will it accept or process any applications for uses related to the retail sale of edible cannabis products and lower potency hemp edibles.

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 Section 215 of the Kimball 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 interim ordinance shall become effective immediately upon its approval by the Council; however, no prosecution based on the provisions of this Ordinance shall occur until twenty-four hours after the Ordinance has been filed with the city clerk and published, 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) January 1, 2025, or (b) the date upon which the City Council adopts an ordinance repealing this Ordinance.

Section 7. Summary. That the following summary clearly informs the public of the intent and effect of the Ordinance and is approved for publication: "The purpose of this Ordinance is to authorize a study related to the retail sales of recently legalized of edible cannabis products and lower potency hemp edibles. Staff will then make a recommendation to the City Council about whether the City should amend its zoning, business-licensing, or other general Code provisions related to these types of products and associated uses to better protect the residents of Kimball. During the term of this Ordinance, the retail sale of edible cannabis products and lower potency hemp edibles is prohibited."

Passed by the City Council this 31st day of July, 2023.