

ORDINANCE 69
CANNABIS AND LOWER POTENCY HEMP EDIBLES RETAILERS

The City Council for the City of Albany HEREBY ORDAINS:

1. That the Albany City Code be amended by the addition of Ordinance 69 entitled “CANNABIS AND LOWER POTENCY HEMP EDIBLES RETAILERS” and shall read as follows:

“Section 69.01: ADMINISTRATION FINDINGS AND PURPOSE. The City of Albany makes the following legislative findings: The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes the City of Albany to protect the public health, safety, welfare of its residents by regulating cannabis businesses within the legal boundaries of the City of Albany. The City Council finds and concludes that the proposed provisions are appropriate and lawful land use regulations, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

Section 69.02: AUTHORITY & JURISDICTION. The City of Albany has the authority to adopt this ordinance pursuant to: a) Minn. Stat. §342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses; AND b) Minn. Stat. §342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.

Section 69.03: SEVERABILITY. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 69.04: ENFORCEMENT. The City Administrator or their designee is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

Section 69.05: DEFINITIONS. Unless otherwise noted in this section, words and phrases contained in Minn. Stat. §342.01 and the rules promulgated pursuant to that act, shall have the same meanings in this ordinance.

“Cannabis Cultivation” A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale

to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

“Cannabis Retail Business” A retail location and the retail location(s) of a mezzobusiness with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and/excluding lower-potency hemp edible retailers.

“Cannabis Retailer” Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.

“Daycare” A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

“Lower-potency Hemp Edible” As defined under Minn. Stat. §342.01 subd. 50.

“Lower-potency hemp edible retailer” is any person, partnership, firm corporation or association, foreign or domestic, selling lower-potency hemp edibles to a consumer and not for the purpose of resale in any form

“Office of Cannabis Management” Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance.

“Place of Public Accommodation” A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

“Preliminary License Approval” OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. §342.17. 10.

“Residential Treatment Facility” As defined under Minn. Stat. §245.462 subd. 23.

“Retail Registration” An approved registration issued by the City of Albany to a state licensed cannabis retail business or a lower-potency hemp edible retailer.

“School” A public school as defined under Minn. Stat. §120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. §120A.24.

“State License” An approved license issued by the State of Minnesota’s Office of Cannabis Management to a cannabis retail business or lower-potency hemp edible retailer. For the purpose of this Chapter, “State-licensed retail business” shall refer to either or both cannabis retail business and lower potency-hemp edible retailers.

Section 69.06: REGISTRATION REQUIRED. No individual or entity may operate a state-licensed cannabis retail business or lower potency hemp retail business within the City of Albany without first registering with the City. Any state-licensed retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty for each violation as established by the City Council in Appendix A.

Section 69.07. COMPLIANCE CHECKS PRIOR TO RETAIL REGISTRATION. Prior to issuance of a retail business registration, the City of Albany shall conduct a preliminary compliance check to ensure compliance with local ordinances. Pursuant to Minn. Stat. §342, within 30 days of receiving a copy of a state license application from OCM, the City Administrator shall certify on a form provided by OCM whether a retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

Section 69.08. REGISTRATION & APPLICATION PROCEDURE.

Subd. 1. Fees. The City may not charge an application fee. A registration fee, as established in by the City Council in Appendix A, shall be charged to applicants depending on the type of retail business license applied for. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee. Any renewal retail registration fee imposed by the City shall be charged at the time of the second renewal and each subsequent renewal thereafter. A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee of the adult-use cannabis retail business.

Subd. 2. Application Submittal. The City shall issue a retail registration to a state-licensed retail business that adheres to the requirements of Minn. Stat. §342.01, et seq.

- A) An applicant for a retail registration shall fill out an application form, as provided by the City. Said form shall include, but is not limited to:
1. Full name of the property owner and applicant;
 2. Address, email address, and telephone number of the applicant;
 3. The address and parcel ID for the property which the retail registration is sought;
 4. Certification that the applicant complies with the requirements of City ordinances.
- B) The applicant shall include with the form:
1. The registration fee as required in Section 69.08, Subd. 1.
 2. A copy of a valid state license or written notice of OCM license preapproval;

- C) Once an application is considered complete, the City Administrator shall inform the applicant as such, process the registration fees, and forward the application to the City Council for approval or denial.
- D) The registration fee shall be non-refundable once processed.

Subd. 3. Application Approval.

- A) A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered §cannabis retail businesses permitted under Section 69.10.
- B) A state-licensed cannabis retail business or lower-potency hemp edible retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
- C) A state-licensed cannabis retail business or lower-potency hemp edible retail business application that meets the requirements of this ordinance shall be approved.

Subd. 4. Annual Compliance Checks. The Police Department shall complete a minimum of one compliance check per calendar year of every State licensed business to assess if the business meets age verification requirements, as required under Minn. Stat. §342.22 Subd. 4(b) and Minn. Stat. §342.24. The Police Department shall conduct a minimum of one unannounced age verification compliance check at least once per calendar year. Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government. Any failures under this section must be reported to the Office of Cannabis Management.

Subd. 5. Location Change. A state-licensed retail business shall be required to submit a new application for registration under Section 69.08 if it seeks to move to a new location still within the legal boundaries of the City of Albany.

Subd. 6. Renewal of Registration. The City shall renew an annual registration of a state-licensed retail business at the same time OCM renews the retail business' license. A state-licensed retail business shall apply to renew registration on a form established by the City. A retail registration issued under this ordinance shall not be transferred.

Subd. 7. Renewal Fees. The City may charge a renewal fee for the registration starting at the second renewal, as established by the City Council in Appendix A.

Subd. 8. Renewal Application. The application for renewal of a retail registration shall include, but is not limited to, items required under Subd. 2(A) of this Section. The applicant or the property owner must be current on property taxes, city utilities and any other fees owed to the City at the time of renewal.

Section 69.09. SUSPENSION OF REGISTRATION

Subd.1 When Suspension is Warranted. The City may suspend a retail business's registration if it violates the ordinance of the City or poses an immediate threat to the health or safety of the public. The City shall immediately notify the retail business in writing the grounds for the suspension.

Subd. 2. Notification to OCM. The City shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide the City and business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

Subd. 3. Length of Suspension. The City can wait for a determination from the OCM before reinstating a registration. The suspension of a retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended. The City may reinstate a registration if it determines that the violations have been resolved. The City shall reinstate a registration if OCM determines that the violation(s) have been resolved.

Subd. 4. Civil Penalties. Subject to Minn. Stat. §342.22, Subd. 5(e) the City may impose a civil penalty, as established by the City Council in Appendix A, for registration violations, not to exceed \$2,000.

Section 69.10 LIMITING OF REGISTRATIONS. The City of Albany establishes that the maximum number of registrations for cannabis retailers including microbusinesses and mezzobusinesses with retail endorsement within the City of Albany is one (1).

Section 69.11. REQUIREMENTS FOR CANNABIS BUSINESSES.

Subd.1 Minimum Buffer Requirements. The City prohibits the operation of a cannabis business within 1,000 feet of a school. The City prohibits the operation of a cannabis business within 500 feet of a day care, a residential treatment facility, an attraction within a public park that is regularly used by minors, including a playground or athletic field. Pursuant to Minn. Stat. §462.367 subd. 14, nothing in this Section shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

Subd. 2. Hours of Operation. Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 10 a.m. and 9 p.m.

Subd. 3. Advertising. Cannabis businesses and lower-potency hemp edible retail businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business, unless otherwise limited by the City's sign ordinances.

Section 69.12. TEMPORARY CANNABIS EVENTS. A permit is required to be issued and approved by the City Council prior to holding a Temporary Cannabis Event.

Subd. 1. Application Submittal & Review. An applicant for a Temporary Cannabis Event shall fill out an application form, as provided by the City Administrator.

- A) The applicant shall provide, at a minimum, the following information:
 - i. The property where the event is proposed;
 - ii. The full name of the property owner and applicant;
 - iii. Address, email address, and telephone number of the applicant;
 - iii the application fee as established in the City's fee schedule;
 - iv. a copy of the OCM cannabis event license application, submitted pursuant to Minn. Stat. §342.39 subd. 2.
- B) The application shall be signed by the applicant as well as the property owner.
- C) The application shall be reviewed by the City Administrator or other designee for review. If the submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies. Once an application is considered complete, the application fee will be processed.
- D) The application shall then be reviewed by the Police Chief and the Fire Chief before it is forwarded to the City Council for approval or denial.
- E) The application fee shall be non-refundable once processed.

Subd. 2. Event Standards. The application for a license for a Temporary Cannabis Event shall meet the following standards:

- A) Events shall only be held between the hours of 1:00 p.m. and 4:00 p.m.
- B) The applicant shall abide by any security requirements recommended by the Police Chief.
- C) The applicant shall follow health and safety requirements recommended by the Fire Chief.
- D) No on-site consumption shall be allowed.

- E) The applicant shall provide a certificate of general liability insurance covering the event.

Section 69.13 SALE OF LOWER-POTENCY HEMP EDIBLES.

Subd. 1. A lower-potency hemp edible retailer may only sell lower-potency hemp edibles to individuals who are at least 21 years of age.

Subd. 2. A lower-potency hemp edible retailer may sell lower-potency hemp edibles that:

A) are obtained from a licensed Minnesota cannabis microbusiness, cannabis mezzobusiness, cannabis manufacturer, cannabis wholesaler, or lower-potency hemp edible manufacturer; and

B) meet all applicable packaging and labeling requirements under State law.

Subd. 3. Sale of other products. A lower-potency hemp edible retailer may sell other products or items for which the lower-potency hemp edible retailer has a license or authorization or that do not require a license or authorization.

Subd. 4. Display and storage of lower-potency hemp edibles. A lower-potency hemp edible retailer shall ensure that all lower-potency hemp edibles, other than lower-potency hemp edibles that are intended to be consumed as a beverage, are displayed behind a checkout counter where the public is not permitted or in a locked case. All lower-potency hemp edibles that are not displayed must be stored in a secure area.

This Ordinance was approved by the majority of the City Council of Albany on this 20 day of November, 2024.



Tom Kasner, Mayor



Gary Winkels, Clerk/Administrator

(S E A L)

This amendment was published in the *Star Post* on December 18, 2024.


**CITY OF ALBANY
AMENDMENT TO APPENDIX A
FEE SCHEDULE**

The City Council for the City of Albany, HEREBY ORDAINS that Appendix A shall be amended by the addition of the following:

Cannabis and Lower-Potency Hemp		
69.08.1	Cannabis Initial Retail Registration Fee + First Renewal Fee	\$1500
69.08.7	Cannabis Renewal Registration Fee	\$1000
69.08.1	Lower-Potency Hemp Initial Retail Registration Fee + First Renewal Fee	\$500
69.08.7	Lower-Potency Hemp Renewal Fee	\$250
Civil Penalties for Registration Violations		
69.09.4	1 st Violation	\$500
	2 nd Violation within 12-month period	\$1000
	3 rd or more Violation within 12-month period	\$2000
69.12.1	Temporary Cannabis Event Registration Fee	\$375

This Ordinance Amendment shall be effective upon publication.

This Ordinance was approved by the majority of the City Council of Albany on the 20 day of November, 2024.



Tom Kasner, Mayor



Gary Winkels, City Administrator

(S E A L)

This amendment was published in the *Star Post* December 18, 2024

RESOLUTION 2024-22
AUTHORIZING SUMMARY PUBLICATION
OF ORDINANCE 69 CANNABIS AND
LOWER POTENCY HEMP EDIBLES RETAILERS

RECITALS:

WHEREAS, the City Council for the City of Albany has passed Ordinance 69 entitled CANNABIS AND LOWER POTENCY HEMP EDIBLES RETAILERS;

WHEREAS, the City of Albany desires to publish the ordinance by Summary Publication.

THEREFORE, IT IS HEREBY RESOLVED:

1. The City Council has reviewed the proposed Summary Publications and finds that the summary of the ordinance clearly inform the public of the intent and effect of the ordinance.
2. The City of Albany directs the *Star Post* to publish the ordinance by Summary Publication.

Adopted this 4th day of December, 2024, by a vote of 4 in favor and 0 opposed.

CITY OF ALBANY

By 
Tom Kasner, Its Mayor


By 
Gary Winkels, Clerk/Administrator

**CITY OF ALBANY
ORDINANCE 69 CANNABIS AND LOWER POTENCY HEMP EDIBLES RETAILERS
SUMMARY PUBLICATION**

The City of Albany has approved Ordinance 69 Cannabis and Lower Potency Hemp Edibles Retailers. The Ordinance provides (1) the purpose and intent to comply with State law; (2) relates the authority and jurisdiction; (3) provides for severability of any portions declared invalid; (4) established authority for enforcement; (5) sets definitions; (6) requires State license and City Registration; (7) establishes compliance check procedures; (8) sets the procedure for registration; (9) establishes grounds for suspension; (10) establishes a limit on cannabis retailers; (11) provides restrictions on location, hours of operation and advertising; (12) provides criteria for temporary cannabis events; and (13) establishes requirements for the sale of low potency hemp.

This material is a summary of the above-referenced amendments. The full text of the Ordinance is available for inspection by any person during regular office hours at the office of the Albany City Clerk.

This Ordinance was adopted by the City Council of Albany on November 20, 2024 and shall be effective upon publication.

By 
Tom Kasner, Mayor

By 
Gary Winkels, Clerk/Administrator

(S E A L)

This amendment was published in the *Star Post* on December 18, 2024.

**CITY OF ALBANY
AMENDMENT TO ORDINANCE NO. 80 ZONING**

The City Council for the City of Albany, HEREBY ORDAINS that Ordinance 80 Zoning shall be amended as follows:

1. That Section 80.19 Subd. 1 (a) (permitted uses within the C-1 District) shall be amended to read as follows:

“a) Retail uses conducted entirely within a building including the retail sale of lower-potency hemp edibles but not cannabis retailers.”

2. That Section 80.20 Subd. 2 (c) (conditional uses within the C-2 District) shall be amended to read as follows:

“c) Wholesale, Warehouse and storage, other than a cannabis business as defined in Minn. Stat. §342.01, Subd. 14, as the same may be amended from time to time.”

3. That Section 80.20 Subd. 2 (conditional uses within the C-2 District) shall be amended by the addition of subparagraph (d) which shall read as follows:

“d) Licensed or endorsed and registered Cannabis Retailer as defined in Chapter 69 of this Code.”

4. That Section 80.23 Subd. 3 (conditional uses within the M-2 District) shall be amended by the addition of subparagraphs (e) and (f) which shall read as follows:

“e) Cannabis businesses licensed or endorsed for cultivation, cannabis manufacture, cannabis wholesale, transportation or delivery.

f) Businesses licensed or endorsed for low-potency hemp edible manufacture.”

This Ordinance Amendment shall be effective upon publication.

This Ordinance was approved by the majority of the City Council of Albany on this 20th day of November, 2024.



Tom Kasner, Mayor



Gary Winkels, Clerk/Administrator

(S E A L)

This amendment was published in the *Star Post* on December 18, 2024