

**CITY OF LINO LAKES
ORDINANCE NO. 02-22**

AN INTERIM ORDINANCE CREATING A MORATORIUM ON THE SALE, TESTING, MANUFACTURE AND DISTRIBUTION OF THC PRODUCTS WITHIN THE CITY OF LINO LAKES.

The City Council of Lino Lakes ordains as follows:

Section 1. Purpose and Intent. The purpose and intent of this Ordinance is to exercise the City's authority under Minnesota Statutes 462.355, Subd. 4 by the creation of an interim ordinance which has the effect of creating a moratorium on the sale, testing, manufacture and distribution of THC Products, as defined herein, in Lino Lakes.

Section 2. Findings: The City Council hereby makes the following preliminary findings to serve as the basis for the necessary study to be made during the moratorium, which serve as the reasons why it is in the public interest for the City to declare a moratorium by virtue of this Ordinance:

1. City staff has determined that current regulations do not adequately address and regulate the sale, testing, manufacture and distribution of THC Products, particularly given the fact the state legislature, with little discussion and notice, recently adopted revisions to Minnesota Statutes 151.72, making the sale of certain edible cannabinoid products legal. Specifically, the new law permits the sale of edible cannabinoid products, provided the product sold for human consumption does not contain more than 0.3% tetrahydrocannabinol and the edible cannabinoid product does not contain an amount of any tetrahydrocannabinol that exceeds more than five milligrams of any tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any tetrahydrocannabinol per package ("THC Products").
2. Because the legislature adopted the above new statutory revisions with little discussion, the City has not had an opportunity to consider appropriate regulations for the newly allowed use, and such situation constitutes an "emergency" under Section 3.06 of the City Charter.
3. A moratorium will provide sufficient time for the City to review City Code and the City's Zoning Ordinance, and study alternative regulations that might be adopted to adequately address the uses within the moratorium enacted by this ordinance.
4. A moratorium will also ensure that code and ordinance changes will not need to be expedited and that all issues related to the uses within the scope of this moratorium can be completely examined.

Section 3. Study: The City Council hereby authorizes and directs City staff to conduct a study of the issues relating to the sale, testing, manufacture and distribution of THC Products. Staff will then make recommendations to the Council about whether and to what extent the City should amend its code and/or land use ordinances to regulate any of the activities within the scope of this moratorium

Section 4. Moratorium: In accordance with the findings set forth herein, and until City staff completes its study and City Council has had the full opportunity to consider the study results and code and/or ordinance changes needed, no person may establish a new use or expand an existing use that includes or involves the sale, testing, manufacture or distribution of THC Products. The moratorium created by this Ordinance shall be effective for one hundred twenty (120) days from the effective date of this Ordinance, unless terminated early or further extended by the City Council in accordance with Minnesota Statutes 462.355, Subd. 4.

Section 5. Severability: Every section, subsection, provision, and part of this Ordinance is declared severable from every other section, subsection, provision, or part. If any section, subsection, provision or part of this Ordinance is adjudged to be invalid, such judgment shall not invalidate any other section, subsection, provision, or part.

Section 6. Effective Date: This Emergency Ordinance, pursuant to Section 3.06 of City Charter, shall be effective upon its adoption by the City Council.

Passed by the Lino Lakes City Council this 22nd day of August, 2022.

Rob Rafferty, Mayor.

ATTEST: Julianne Bartell, City Clerk.

Published in the *Quad Community Press August 30, 2022.*