

ORDINANCE NO. _____, 2ND SERIES

AN ORDINANCE OF THE CITY OF HIBBING, MINNESOTA, AMENDING HIBBING CITY CODE CHAPTER 10 ENTITLED "PUBLIC PROTECTION, CRIMES AND OFFENSES" BY ADDING A SECTION 10.30 ENTITLED "CANNABIS USE WITHIN PUBLIC PLACES" AND ADOPTING BY REFERENCE HIBBING CITY CODE CHAPTER 1 AND SECTION 10.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

WHEREAS, the City of Hibbing seeks to regulate the sale and use of cannabis as set forth by Minn. Stat. Chapter 342.

NOW, THEREFORE, THE CITY COUNCIL OF HIBBING, MINNESOTA, ORDAINS:

Section 1. The Hibbing City Code is hereby amended by adding a new Section 10.30 entitled 'Cannabis Use within Public Places' reading as follows:

"SECTION 10.30. CANNABIS USE WITHIN PUBLIC PLACES.

Subd. 1. Definitions. Terms used in this ordinance and defined in Minn. Stat. Ch. 342 (2023), as amended or recodified from time to time, have the meanings given them in Minn. Stat. Ch. 342 (2023), as amended or recodified from time to time.

Subd. 2. Geographic scope. This ordinance covers all areas of the city in which the City of Hibbing exercises planning and zoning authority.

Subd. 3. Use of cannabis in public.

A. For purposes of this section, the term "public place" means any public park, any other property owned, leased, or controlled by a governmental unit, and any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; retail stores and other commercial establishments; educational facilities other than public schools, as defined in Minn. Stat. § 120A.05, Subds. 9, 11, and 13 (2023), as amended or recodified from time to time; hospitals; nursing homes; auditoriums; arenas; meeting rooms; and common areas of apartment rental buildings. It does not include a private residence, including the person's curtilage or yard; private property not generally accessible by the public, unless the person is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or the premises

of an establishment or event licensed to permit on-site consumption.

B. Notwithstanding section 1 of this ordinance, all other terms used in this section and defined in Minn. Stat. Ch. 152 (2023), as amended or recodified from time to time, have the meanings give them in Minn. Stat. Ch. 152 (2023), as amended or recodified from time to time.

C. Pursuant to Minn. Stat. § 152.0263, subd. 5(2023), as amended or recodified from time to time, a person is guilty of a petty misdemeanor if the person unlawfully uses cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place.

Subd. 4. Limit on number of licensed cannabis retailers, cannabis mezzobusinesses with a retail operations endorsement, and cannabis microbusinesses with a retail operations endorsement.

Pursuant to Minn. Stat. § 342.13(i) (2023), as amended or recodified from time to time, the number of licensed cannabis retailers, cannabis mezzobusinesses with a retail operations endorsement, and cannabis microbusinesses with a retail operations endorsement is limited to one registration in total for every 12,500 residents.

Subd. 5. Prohibition of cannabis businesses within certain distances of schools, day cares, residential treatment facilities, and attractions within public parks.

Pursuant to Minn. Stat. § 342.13(c) (2023), as amended or recodified from time to time, the operation of a cannabis business is prohibited within 1,000 feet of a school, or 500 feet of a licensed day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.

Subd. 6. Hours of operation. Pursuant to Minn. Stat. § 342.27, subd. 7(b) (2023), as amended or recodified from time to time, a cannabis business with a license or endorsement authorizing the retail sale of cannabis flower or cannabis products shall not sell cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between 9:00 p.m. and 2:00 a.m. the following day or between 8:00 a.m. and 10:00 a.m. For the avoidance of doubt, the prohibition in this

section is in addition to the hours-of-operation prohibition in Minn. Stat. § 342.27, subd. 7(a) (2023), as amended or recodified from time to time.

Subd. 7. Zoning districts for cannabis business and hemp businesses.

A. The following cannabis businesses and hemp businesses shall be allowed uses with land-use permits issued by the City of Hibbing Planning and Zoning Department in commercial (COM) districts established by the City of Hibbing's Zoning Ordinance, and not allowed in all other districts established by the City of Hibbing's Zoning Ordinance:

- retail operations of cannabis microbusiness with retail operations endorsement;
- retail operations of cannabis mezzobusiness with retail operations endorsement;
- cannabis retailer;
- cannabis event organizer (including, for the avoidance of doubt, all cannabis events);
- medical cannabis combination business; and
- lower-potency hemp edible retailer.

B. The following cannabis businesses and hemp businesses shall be allowed uses with performance-standard permits issued by the City of Hibbing's Office of Planning and Zoning in limited-industrial (LI) districts established by the City of Hibbing's Zoning Ordinance and not allowed in all other districts established by the City of Hibbing's Zoning Ordinance:

- non-retail operations of cannabis microbusiness with retail operations endorsement;
- non-retail operations of cannabis mezzobusiness with retail operations endorsement;
- cannabis microbusiness without retail operations endorsement;
- cannabis mezzobusiness without retail operations endorsement;
- cannabis cultivator;
- cannabis manufacturer;
- cannabis wholesaler;
- cannabis transporter;

- cannabis testing facility;
- cannabis delivery service; and
- lower-potency hemp edible manufacturer.

C. No cannabis business or hemp business shall operate as a "home business" or "home occupation" as those terms are defined in the City of Hibbing's Zoning Ordinance.

Subd. 8. Certification. The City of Hibbing's Department of Planning and Zoning shall be responsible for taking action on requests for certification as to proposed cannabis businesses under Minn. Stat. § 342.13(f) (2023), as amended or recodified from time to time.

Subd. 9. Registration and registration fees.

A. The City of Hibbing's Department of Planning and Zoning shall be responsible for taking action on requests for registration as to cannabis microbusinesses, cannabis mezzobusinesses, cannabis retailers, medical cannabis combination businesses, and lower-potency hemp edible retailers under Minn. Stat. § 342.22, subd. 1 (2023), as amended or recodified from time to time.

B. Pursuant to Minn. Stat. 342.22, subd. 2(a) (2023), as amended or recodified from time to time, the City of Hibbing shall impose initial retail registration fees and renewal retail registration fees as follows:

Cannabis or Hemp Business	Initial Retail Registration Fee	Renewal Retail Registration Fee
Cannabis microbusiness	\$0	\$1,000
Cannabis mezzobusiness	\$500	\$1,000
Cannabis retailer	\$500	\$1,000
Medical cannabis combination business	\$500	\$1,000
Lower-potency hemp edible retailer	\$125	\$125

Subd. 10. Registration. The City of Hibbing will issue a registration as to a retail establishment located in the city, as provided in Minn. Stat. § 342.22, subd. 1 (2023), as amended or recodified from time to time.

Subd. 11. Civil penalty. Pursuant to Minn. Stat. § 342.22, subd. 5(e) (2023), as amended or recodified from time to time, the City of Hibbing shall impose a civil penalty of \$2,000 for each violation of Minn. Stat. § 342.22, subd. 5(e) (2023), as amended or recodified from time to time.

Subd. 12. Compliance checks. The Hibbing Police Department shall conduct or cause to be conducted the compliance checks required by Minn. Stat. § 342.22, subd. 4 (2023), as amended or recodified from time to time.

Subd. 13. Cannabis events. Pursuant to Minn. Stat. § 342.40, subd. 1 (2023), as amended or recodified from time to time, a cannabis event organizer must receive the City of Hibbing's local approval in the form of a cannabis-event permit before holding a cannabis event. The cannabis event organizer must pay at the time of application for the permit a nonrefundable permit fee in the amount of \$100. The permit must require the cannabis event organizer to comply with all applicable laws, including, without limitation, Minn. Stat. § 342.40 (2023), as amended or recodified from time to time. The Hibbing Police Department shall be responsible for taking action on applications for cannabis-event permits.

Subd. 14. Suspension and reinstatement of retail registration. Under Minn. Stat. § 342.22, subd. 5 (2023), as amended or recodified from time to time, local units of government are authorized to suspend and reinstate retail registrations of cannabis businesses and hemp businesses under certain circumstances. The Hibbing Police Department shall be responsible for making recommendations to the City Council as to any suspension or reinstatement of a retail registration issued by the City of Hibbing, and the City Council shall be responsible for taking action on any such suspension or reinstatement.

Subd. 15. Severability. Should any part of this ordinance be declared by the courts to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or otherwise invalid, and to this end the provisions of this ordinance are severable to the fullest extent allowed by applicable law.

Subd. 16. Effective date. This ordinance is effective January 1, 2025."

Section 2. Penalties. Hibbing City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 10.99 entitled "Violations a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. After adoption, signing and attestation, this ordinance shall be published once in the official newspaper of the City and shall be in effect on and after the date following such publication.

Adopted by the City Council of Hibbing, Minnesota, this _____ day of _____, 2024.

FOR ADOPTION:

AGAINST ADOPTION:

ABSENT:

CITY OF HIBBING

Pete Hyduke, Mayor

ATTEST:

Candie Seppala, Clerk

The foregoing ordinance reviewed and approved as to form.

City Attorney Andy Borland

(Published in the Mesabi Tribune on _____.
Affidavit of publication attached.)

City of Hibbing
Ordinance No. ___, 2nd Series
drafted November 6, 2024