

CITY OF CLEARWATER, MINNESOTA

ORDINANCE NO. 2024-08

**AN ORDINANCE AMENDING THE CLEARWATER CITY
CODE PERTAINING TO CANNABIS AND HEMP BUSINESSES**

WHEREAS, the purpose of this ordinance is to protect public health, safety, and welfare in the city of Clearwater by implementing certain regulations related to cannabis and hemp businesses within the city to an extent duly authorized under law; and

WHEREAS, the city council of the city of Clearwater hereby finds and concludes that these regulations are appropriate, necessary, lawful, and in the best interest of the city and its residents.

NOW, THEREFORE, the city council of the city of Clearwater hereby ordains as follows:

SECTION I. The city council of the city of Clearwater hereby amends the Clearwater City Code by adding a new Chapter 7 as follows:

Chapter 7 – CANNABIS

Sec. 7-1. - Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cannabis or hemp business means any business that requires licensure under Minnesota Statutes, Chapter 342.

OCM means the Minnesota Office of Cannabis Management.

Potential licensee means an applicant that is seeking a license to operate a cannabis or hemp business from the OCM.

Sec. 7-2. - County to issue registrations

Pursuant to Minnesota Statutes, section 342.22, subd. 1, the city consents to Wright County issuing registrations for cannabis and hemp businesses.

Sec. 7-3. - Certification of cannabis businesses license application

The city administrator, or their designee, is authorized to certify whether a proposed cannabis business complies with the city's zoning ordinances, this chapter, and if applicable, state fire code and building code pursuant to Minnesota Statutes, section 342.13. Potential licensees are responsible for requesting and scheduling any inspections related to building and fire code

compliance. Potential licensees may contact the city to have such inspections conducted prior to the city receiving the request for certification from the OCM. If a potential licensee is not able to have any building or fire code inspection complete within the 30-day review period provided under state law, the city will not certify the application.

SECTION II. The city council of the city of Clearwater hereby amends Clearwater City Code, section 117-1 by adding the following new definitions:

Cannabis cultivation business means a business with a cannabis cultivator license, medical cannabis cultivator license, or cultivation endorsement from the State of Minnesota Office of Cannabis Management.

Cannabis delivery business means a business with a cannabis delivery service license or delivery service endorsement from the State of Minnesota Office of Cannabis Management.

Cannabis lounge means a portion of the premises of a cannabis business or hemp business licensed or endorsed by the State of Minnesota Office of Cannabis Management for on-site consumption of edible cannabis products and lower-potency hemp edibles.

Cannabis or hemp manufacturing business means a business with a cannabis manufacturer license, lower-potency hemp edible manufacturing license, or manufacturing endorsement from the State of Minnesota Office of Cannabis Management.

Cannabis processing business means a business with a medical cannabis processor license or processing endorsement from the State of Minnesota Office of Cannabis Management.

Cannabis or hemp retailer means a business with a cannabis retailer license, medical cannabis retailer license, lower-potency hemp edible retailer license, or retail endorsement from the State of Minnesota Office of Cannabis Management.

Cannabis testing business means a business with a cannabis testing facility license or testing endorsement from the State of Minnesota Office of Cannabis Management.

Cannabis transportation business means a business with a cannabis transporter license or transportation endorsement from the State of Minnesota Office of Cannabis Management.

Cannabis wholesaling business means a business with a cannabis wholesaler license or wholesaling endorsement from the State of Minnesota Office of Cannabis Management.

Day care means 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.

Park feature means an attraction within a public park that is regularly used by minors, including, but certainly not limited to, a playground or athletic field.

Residential treatment facility means any facility licensed or regulated by the Minnesota Department of Human Services that provides 24-hour-a-day care, lodging, or supervision outside a person's home and which also provides chemical dependency or mental health services.

School means 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.

SECTION III. The city council of the city of Clearwater hereby amends Clearwater City Code, section 117-691 by adding the following to the list of permitted uses in the City's C-1 zoning district and renumbering said section accordingly:

Cannabis delivery business, provided the buffers in section 117-1570 are satisfied.

Cannabis lounge, provided the buffers in section 117-1570 are satisfied.

Cannabis or hemp retailer, provided the buffers in section 117-1570 are satisfied.

SECTION IV. The city council of the city of Clearwater hereby amends Clearwater City Code, section 117-828 by adding the following to the list of conditional uses in the City's I-1 zoning district and renumbering said section accordingly:

Cannabis cultivation business

Cannabis or hemp manufacturing business

Cannabis processing business

Cannabis testing business

Cannabis transportation business

Cannabis wholesaling business

SECTION V. The city council of the city of Clearwater hereby amends Clearwater City Code, section 117-859 by adding the following to the list of conditional uses in the City's I-2 zoning district and renumbering said section accordingly:

Cannabis cultivation business

Cannabis or hemp manufacturing business

Cannabis processing business

Cannabis testing business

Cannabis transportation business

Cannabis wholesaling business

SECTION VI. The city council of the city of Clearwater hereby amends Clearwater City Code, Chapter 117 by adding a new Article XXII as follows:

ARTICLE XXII. – CANNABIS AND HEMP

Sec. 117-1570. – Retail buffers

No cannabis delivery business, cannabis lounge, or cannabis or hemp retailer may operate on any parcel located (i) within 1,000 feet of a parcel containing a school; or (ii) within 500 feet of a parcel containing a day care, park feature, or residential treatment facility.

SECTION VII. This ordinance shall take effect following its passage and publication in accordance with state law. Upon the effective date of this ordinance, City Ordinance No. 2023-06, entitled *An Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Operation of Cannabis Businesses*, shall automatically terminate.

ADOPTED by the city council of the city of Clearwater, Minnesota this 14th day of October, 2024.



Andrea Lawrence Wheeler, Mayor

ATTEST:



Annita M. Smythe, City Administrator