

City of Roseville
ORDINANCE NO. 1684

AN ORDINANCE AMENDING

TITLE 3, CHAPTER 318

**AN ORDINANCE ESTABLISHING TITLE 3, CHAPTER 318 TO PROVIDE FOR
REGISTRATION OF CANNABIS AND HEMP BUSINESSES AND RELATED
REGULATIONS**

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Title 3, Chapter 318 of the Roseville City Code is established to read as follows:

CHAPTER 318

CANNABIS AND HEMP BUSINESS REGULATIONS

SECTION:

318.01	Purpose and Findings
318.02	Definitions
318.03	Pre-License Certification of Cannabis Businesses
318.04	Registration of Retailers
318.05	Cannabis Retailer Registration Limits
318.06	Processing Registration
318.07	Application for Registration
318.08	Preliminary Compliance Check
318.09	Basis for Denial
318.10	Issuance of Registration or Renewal
318.11	Registration Nontransferable
318.12	Enforcement
318.13	Penalties
318.14	Cannabis Business Operating Regulations
318.15	Lower-Potency Hemp Retailer Operating Regulations

318.01 PURPOSE AND FINDINGS.

The City of Roseville makes the following legislative findings: The purpose of this ordinance is to protect the public health, safety, welfare in the City by implementing regulations pursuant to Minnesota Statutes, Chapter 342 related to cannabis and hemp businesses within the City. The City finds and concludes that these regulations are appropriate and lawful, that the proposed amendments will promote the community's interest in reasonable stability in the development and redevelopment of the City for now

and in the future, and that the regulations are in the public interest and for the public good.

318.02 DEFINITIONS.

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

APPLICANT means an entity with a license issued by the OCM that is applying for an initial registration or for registration renewal.

THE ACT means Minnesota Statutes, Chapter 342, as is may be amended from time to time.

CANNABIS BUSINESS shall have the definition in Minnesota Statutes Section 342.01.

CANNABIS RETAILER means every retail cannabis business that is licensed under the Act and required to register with the City under Minnesota Statutes, Section 342.22.

HEMP BUSINESS shall have the definition in Minnesota Statutes Section 342.01.

LOWER-POTENCY HEMP RETAILER means every lower-potency hemp edible retail business that is licensed under the Act and required to register with the City under Minnesota Statutes, Section 342.22.

MEDICAL CANNABIS COMBINATION BUSINESS shall have the definition in Minnesota Statutes Section 342.01.

OCM means the Office of Cannabis Management.

POTENTIAL LICENSEE means an applicant that has not received a license from the OCM.

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 any kindergarten, elementary school, middle school, or secondary school, as defined by Minnesota Statute Section 120A.05.

318.03 PRE-LICENSE CERTIFICATION OF CANNABIS BUSINESSES.

- A. The City Manager, or their designee, is authorized to certify whether a proposed Cannabis Business complies with the City's zoning ordinances, this section

318.03, and, if applicable, with state fire code and building code. Pre-license certification does not indicate whether the limit on the number of retail registrations has been reached guarantee approval of a future application for registration under this chapter.

- B. Potential licensees are responsible for making all necessary zoning applications prior to the City receiving the request for certification from the OCM. If a potential licensee fails to obtain necessary zoning approvals prior to the City receiving a request for certification, the City will inform the OCM that the potential licensee does not meet zoning and land use laws. If, at the time the City receives a request for zoning certification, there are no further intended alterations to the building where the business is to be conducted, the City will also certify compliance with building and fire code regulations, provided that the potential licensee has obtained inspections prior the City's receipt of a request for certification from the OCM. Building and fire code inspections will be valid for 1 year from completion.
- C. No Cannabis Business may be located within 100 feet of a school or daycare, or within 500 feet of a residential treatment facility.

318.04 REGISTRATION OF RETAILERS.

Retail Registration Required. Before making retail sales to customers or patients, all Cannabis Retailers and Lower-Potency Hemp Retailers must register with the City. Making retail sales to customers or patients without an active registration is prohibited.

318.05 CANNABIS RETAILER REGISTRATION LIMITS.

- A. Limit on number of Cannabis Retailer registrations:
 - 1. The City will issue one registration per 12,500 residents in the City.
 - 2. The number of registrations available will be calculated by dividing the state demographer's estimate of the City's population by 12,500 and rounding up to the nearest whole number.
 - 3. The City will update the number of registrations available based on the most recent data available from the state demographer on January 1 and June 1 each year.
 - 4. If the number of registrations available in the City decreases for any reason, businesses with current registrations will be allowed to maintain and renew their registrations, but no new registration will be issued.
 - 5. Registrations issued to businesses with a license preapproval will count toward the City's registration limit.

B. The following businesses are not subject to the cap on registration under Paragraph A above:

1. Lower-Potency Hemp Retailer; and
2. Medical cannabis combination businesses.

318.06 PROCESSING REGISTRATION.

Applications for registration will be processed on a first-come, first-served basis based on the City receiving a complete application and payment of all fees. Applications will be considered complete when all materials in Section 318.07, including all required information, are received by the City. An application for, or approval of, a pre-license certification under this chapter is not considered to be an application for registration.

318.07 APPLICATION FOR REGISTRATION.

All applicants for initial registration or renewal registration must submit a registration application or renewal form provided by the City. The form may be amended from time to time by the City Manager, but must include or be accompanied by:

- A. Name of the property owner;
- B. Name and date of birth of the applicant;
- C. Address and parcel ID for the property for which the registration is sought;
- D. Certification that the applicant complies with the requirements of this chapter;
- E. Fee Required. At the time of initial application, and prior to the City's consideration of any renewal application, each Cannabis Retailer must pay, as established in the City's fee schedule, the following fees:
 1. At the time of initial registration:
 - a. An initial registration fee. The initial registration fee will pay for the costs of registration and the cost of the first year of operation.
 - b. The renewal fee for the second year of operation.
 2. At the time of the first annual renewal (prior to the second year of operation), no fee will be due.
 3. At the time of the second annual renewal, and each year thereafter, the renewal fee must be paid prior to the City issuing any renewal registration.

4. Initial registration fees and renewal registration fees are nonrefundable.
- F. A copy of a valid state license or written notice of OCM license preapproval;

318.08 PRELIMINARY COMPLIANCE CHECK.

Initial Cannabis Retailer or Lower-Potency Hemp Retailer registration shall not be issued unless, prior to opening for operations following approval of an application for initial registration, the applicant has passed a preliminary compliance check conducted by the City to ensure compliance with this chapter and any other regulations established pursuant to Minnesota Statutes, Section 342.13.

318.09 BASIS FOR DENIAL.

The City shall not issue a registration or renewal for any Cannabis Retailer or Lower-Potency Hemp Retailer if any of the following conditions are true:

- A. The applicant has not submitted a complete application.
- B. The applicant does not comply with the requirements of this chapter.
- C. The applicant does not comply with applicable zoning and land use regulations.
- D. If applicable, the applicant is found to not comply with the requirements of the Act, this chapter, the building code, or the fire code at the preliminary compliance check.
- E. The applicant is not current on all property taxes and assessments at the location where the retail establishment is located.
- F. If applicable, the maximum number of registrations, pursuant to Section 318.05 have been issued by the City.
- G. The applicant does not have a valid license from the OCM.

318.10 ISSUANCE OF REGISTRATION OR RENEWAL.

The City shall issue the registration or renewal if the applicant meets the requirements of this chapter, including that none of the reasons for denial in this chapter are true.

318.11 REGISTRATION NONTRANSFERABLE.

A registration is not transferable to another person, entity, or location.

318.12 ENFORCEMENT

- A. Generally. The City may impose a fine or suspend a registration under this chapter on a finding that the registered business has failed to comply with an applicable statute, regulation, or ordinance, including a violation of this chapter.
- B. Notice and Right to Hearing. Prior to imposing a fine or suspending any registration under this chapter, the City shall provide the registered business with written notice of the alleged violations and inform the registered business of its right to a hearing on the alleged violation.
 - 1. Notice shall be delivered in person or by regular mail to the address of the registered business and shall inform the registered business of its right to a hearing. The notice will indicate that a response must be submitted within ten (10) days of receipt of the notice, or the right to a hearing will be waived.
 - 2. After receipt of a request for a hearing, the registered business will be given an opportunity for a hearing before the City's Hearing Officer, as defined in Roseville City Code Section 102.01, before final action to fine or suspend a registration. The Hearing Officer shall give due regard to the frequency and seriousness of the violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply and shall issue a decision to fine or suspend the registration only upon written findings. Within 10 days of the Hearing Officer's order, the decision may be appealed to the City Council.
 - 3. If no request for a hearing is received within ten (10) days following the service of the notice, the matter shall be submitted to the City Council for imposition of the fine or suspension.
- C. Emergency. If, in the discretion of the City, a registered business poses an imminent threat to the health or safety of the public, the City may immediately suspend the registration and provide notice of the right to hold a subsequent hearing as prescribed in Paragraph B above.
- D. Reinstatement. The City may reinstate a registration if it determines that the violations have been resolved. The City shall reinstate the registration if the OCM determines the violations have been resolved.
- E. Automatic Revocation. Any revocation of a license issued by the OCM related to a registration under this chapter, shall result in automatic revocation of that registration under this chapter.
- F. All enforcement actions under this chapter will be reported to the OCM.

- A. Misdemeanor: Any person who violates this chapter is guilty of a misdemeanor and, upon conviction, is subject to a fine and imprisonment as prescribed by state law. Each day each violation continues or exists, constitutes a separate offense.
- B. Administrative fine: Any person who violates this chapter is subject to administrative fines in an amount set in the City's fee schedule. Each day any violation continues or exists constitutes a separate offense.
- C. Violation of this chapter shall be grounds for enforcement against any business license issued by the City of Roseville.

318.14 CANNABIS RETAILER OPERATING REGULATIONS

- A. Compliance Checks. The City shall complete, at a minimum, one compliance check per calendar year of every registered business to assess if the business meets age verification requirements, as required under Minnesota Statute Section 342.22 Subd. 4(b) and this ordinance. Any failures under this section are a basis for enforcement action and must be reported to the OCM.
- B. 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 to between the hours of 8:00 a.m. and 10:00 p.m. Monday through Saturday, and 10:00 a.m. and 9:00 p.m. on Sunday.
- C. Display of License and Registration. All licenses and registrations must be posted and displayed in plain view of the general public on the premises.
- D. Advertising. Signage is subject to the City's sign code, Roseville City Code Chapter 1010, with the addition of the following: cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business.

318.15 LOWER-POTENCY HEMP RETAILER OPERATING REGULATIONS

- A. Compliance Checks. The City shall complete, at a minimum, one compliance check per calendar year of every registered business to assess if the business meets age verification requirements, as required under Minnesota Statute Section 342.22 Subd. 4(b) and this ordinance. Any failures under this section are a basis for enforcement action and must be reported to the OCM.
- B. Display of License and Registration. All licenses and registrations must be posted and displayed in plain view of the general public on the premises.
- C. Advertising. Signage is subject to the City's sign code, Roseville City Code Chapter 1010.

SECTION 2: Effective date. This ordinance shall take effect on January 1, 2025, following its passage and publication.

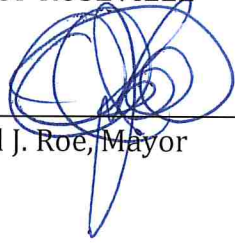
Passed by the City Council of the City of Roseville this 25th day of November, 2024.

Signatures as follows on separate page:

*Ordinance – ESTABLISHING TITLE 3, CHAPTER 318 TO PROVIDE FOR REGISTRATION OF CANNABIS AND
HEMP BUSINESSES AND RELATED REGULATIONS*

(SEAL)

CITY OF ROSEVILLE

BY: 
Daniel J. Roe, Mayor

ATTEST:


Patrick Trudgeon, City Manager