



# Public Notice

(First Date of Pub.: Wed., Sept. 13, 2023)  
(Dates of Pub.: Wed., Sept. 13, 2023)

## ORDINANCE NO. 385 AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES IN THE CITY

The City of Tracy does ordain:

### SUBD. 1. BACKGROUND.

- A. The Minnesota Legislature recently enacted, and the Governor signed, 2023 Minnesota Session Laws, Chapter 63 – H.F. No. 100 (“Act”), which is comprehensive legislation relating to Cannabis including, but not limited to, the establishment of the Office of Cannabis Management (“OCM”); legalizing and limiting the possession and use of cannabis and certain hemp products by adults; providing for the licensing, inspection, and regulation of Cannabis Businesses and hemp businesses; taxing the sale of cannabis flower, cannabis products, and certain hemp products; establishing grant and loan programs; amending criminal penalties; providing for expungement of certain convictions and providing for the temporary regulation of certain edible cannabinoid products.
- B. The Act requires that on or before October 1, 2023, every person or entity selling edible cannabinoid products to consumers must register with the commissioner in a form and manner established by the commissioner. After October 1, 2023, the sale of edible cannabinoid products by a person or entity that is not registered is prohibited.
- C. With respect to Cannabis Businesses, which, under the Act, does not include lower-potency hemp edible manufacturer or lower-potency hemp edible retailer, the Act provides local units of government certain authority related to Cannabis Businesses, including the authority to (1) require local registration of certain Cannabis Businesses operating retail establishments, (2) adopt reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, provided that such restrictions do not prohibit the establishment or operation of a Cannabis Businesses, (3) limit the number of certain Cannabis Businesses based on the population of the community, and (4) prohibit the operation of a Cannabis Businesses within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.
- D. The Act requires the OCM, which will be established effective July 1, 2023, to work with local governments to develop model ordinances for reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses. The Act also requires the OCM to establish additional rules and regulations relating to the operation of Cannabis Businesses. The City will benefit from reviewing and analyzing the OCM’s model ordinances, rules and regulations before making any decisions related to the regulation of Cannabis Businesses in the City.
- E. Section 342.02 et. seq. established by the Act directs the OCM to make rules, establish policy and exercise its regulatory authority over both the cannabis industry, as well as the lower potency hemp products and the hemp consumer products.
- F. Section 342.06 established by the Act requires to OCM to create and approve product categories of cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for retail sale.
- G. Section 342.06 established by the Act requires the OCM to establish limits on the total THC allowed of cannabis flower, in cannabis products, and in hemp-derived consumer products and prohibits approval of certain forms of cannabis product, lower-potency hemp edible, or hemp-derived consumer product.
- H. Section 342.07 established by the Act requires the OCM to establish certification, testing, and labeling requirements for the methods used to grow new cannabis plants or hemp plants, including but not limited to growth from seed, clone, cutting, or tissue culture.
- I. Section 342.07 established by the Act requires the OCM to establish best practices for: (1) the cultivation and preparation of cannabis plants; and (2) the use of pesticides, fertilizers, soil amendments, and plant amendments in relation to growing cannabis plants.
- J. Section 342.07 established by the Act requires the OCM to regulate businesses that manufacture, process, sell, handle, or store an edible cannabis product or lower-potency hemp edible and will require, for most of those businesses to obtain an edible cannabinoid product handler endorsement.
- K. Section 342.08 established by the Act requires the OCM to provide regulations establishing energy standards, disposal of waste and addressing odor.
- L. The Act amended Minnesota Statutes §340A.412, subd. 14 to allow, effective the day after the final enactment of the bill (the governor’s signature), exclusive liquor stores to sell edible cannabinoid products as that term is defined in current statute, 151.72, subd. 1.
- M. Section 342.13 established by the Act contains a provision that allows for a City Council that plans to conduct studies that has held or is considering adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of a cannabis business, to hold a hearing on and adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens until January 1, 2025. This provision only relates to the Cannabis Businesses, which does not include having the ability to study the lower potency hemp business or hemp consumer products, even though the newly created OCM will be issuing licenses related to the lower potency hemp products, as well as engaging in rule making related to both the lower potency hemp products and the hemp consumer products.
- N. Given the uncertainty regarding the model ordinances to be developed by the OCM and the broad scope of the changes to Minnesota law brought about by the Act, the City desires to adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens and to conduct a study for the purpose of considering the adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses as well as the other regulations local units of government may adopt under the Act.

- O. On September 11, 2023, after providing at least 10 days published notice, the City Council held a public hearing regarding the consideration and adoption of an interim ordinance prohibiting the operation of Cannabis Businesses within the City.

### SUBD. 2. DEFINITIONS.

For purposes of this Ordinance, the following terms shall have the meaning given them in this section.

- (a) “Act” means 2023 Minnesota Session Laws, Chapter 63 (H.F. No. 100).
- (b) “Cannabis Business” has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 14.
- (c) “City” means the City of Tracy.
- (d) “Edible Cannabinoid Product” has the meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(f).
- (e) “OCM” means the Office of Cannabis Management, established as set forth in Minnesota Statutes, section 342.02, subd. 1.
- (f) “Ordinance” means this interim ordinance, which is adopted pursuant to Minnesota Statutes, section 462 and 342.13(e).

### SUBD. 3. FINDINGS.

- A. The City Council finds there is a need to study (i) Cannabis Businesses and (ii) the impact of those businesses, as related to allowed land uses and zoning, in order to assess the necessity for and efficacy of regulation and restrictions in order to protect the public health, safety, and welfare of its residents.
- B. The study will allow the City Council to determine the appropriate changes, if any, that it should make to the Tracy City Code, including any necessary zoning changes.
- C. The time will allow for any state agency rulemaking related to licensing Cannabis Businesses; and to create its model ordinances which will further aid the Council in studying and considering restrictions on the operation of Cannabis Businesses and THC Specialty Providers, identified as Lower Potency Hemp Businesses in the Act.
- D. The City Council therefore finds that there is a need to adopt a city-wide moratorium on Cannabis Businesses while City staff studies the issue.

### SUBD. 4. MORATORIUM.

- A. Moratorium. A moratorium is hereby imposed regarding the operation of a Cannabis Business within the City. During the term of this Ordinance, no business, person, or entity may establish or operate a Cannabis Business within the jurisdictional boundaries of the City. The City shall not accept, process, or act on any application, site plan, building permit, zoning request, or other approval, including any requested confirmation, certification, approval, or other request from the OCM or other governmental entity requesting City review of any application or proposal for a business proposing to engage in the operation of a Cannabis Business.
- B. This moratorium does not apply to the selling, testing, manufacturing, or distributing of products related to the Medical Cannabis Program as administered by the Minnesota Department of Health, provided that such activity is done in accordance with the regulations and laws of Minnesota regarding Medical Cannabis.

**SUBD. 5. STUDY.** The City Council hereby authorizes and directs the City Administrator to have City staff conduct a study regarding the adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, as well as the other potential local regulations allowed under the Act, and report to the City Council on the potential regulation of Cannabis Businesses. The study must include a review of the model ordinances the OCM is directed to draft under Minnesota Statutes, section 342.13(d), an analysis of potential setback regulations allowed under Minnesota Statutes, section 342.13(c), and such other matters as staff may determine are relevant to the City Council’s consideration of this matter. The report shall include the City staff’s recommendations on whether the City Council should adopt regulations and, if so, the recommended types of regulations.

**SUBD. 6. ENFORCEMENT.** The City may enforce this Ordinance by mandamus, injunctive relief, or other appropriate civil remedy in any court of competent jurisdiction. The City Council hereby authorizes the City Administrator, in consultation with the City Attorney, to initiate any legal action deemed necessary to secure compliance with this Ordinance. A violation of this Ordinance is a misdemeanor offense and may result in the City reporting the violation to the OCM if relevant to OCM licensing. During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to establish or operate a Cannabis Business within the City.

**SUBD. 7. TERM.** Unless earlier rescinded by the City Council, this Ordinance shall become effective on the effective date and after adoption and publication and shall remain in effect until January 1, 2025. This Ordinance may be repealed earlier upon the effective date of an ordinance adopting or amending reasonable restrictions on the time, place and manner of the operation of a Cannabis Business within the City or by resolution of the City Council terminating this Ordinance prior to the expiration date.

**SUBD. 8. EFFECTIVE DATE.** Pursuant to Section 3.05 of the Tracy City Charter, this Ordinance shall become effective 30 days after passage and publication.

**SUBD. 9. SEVERABILITY.** Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part thereof. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TRACY, MINNESOTA THIS 11<sup>th</sup> DAY OF SEPTEMBER 2023.

APPROVED:  
Pam Cooreman, Mayor

ATTESTED:  
Shane Daniels, City Clerk/Administrator

(First Date of Pub.: Wed., Sept. 13, 2023)  
(Dates of Pub.: Wed., Sept. 13, 2023)

## ORDINANCE NO. 384 AN ORDINANCE AMENDING SECTION 4.70 OF THE CITY CODE TO PROHIBIT THE USE OF CANNABIS AND CANNABIS PRODUCTS IN CITY PARKS

The City of Tracy does ordain:

The City Council of the City of Tracy hereby amends City Code 4.70, as follows:

### “Subd. 1

**DEFINITIONS.** The terms stated below shall have the definitions specified in this section.

- A. “Park” shall mean and include any area used as park, play-ground area, bike trail, swimming pool, recreation center or facility, or any other area in the City owned or used by the City and devoted or designated to or for active or passive recreation either on a temporary or permanent basis.
- B. “Alcoholic beverage” shall mean any beverage containing more than one-half of one percent alcohol by volume.
- C. “Smoking” shall mean inhaling or exhaling smoke or vapor from any instrumentality, including but not limited to any cigar, cigarette, pipe, rolling papers, joint, hookah pipe, or an operating electronic cigarette.
- D. “Electronic cigarette” shall mean any electronic-smoking device that can be used to deliver nicotine or any other substances to the person inhaling from the device. The term shall include such devices whether they are manufactured as electronic cigarettes, electronic cigars, electronic pipes or any other product name, including but not limited to “mods”, “vape pens”, “vapes”, “tank systems”, and “electronic nicotine delivery systems (ENDS)”.
- E. “Cannabis flower”, “cannabis products”, “lower-potency hemp edibles”, and “hemp-derived consumer products” shall have the definitions given to them in Minnesota Statutes, section 342.01, as amended.
- E.-1. “Recreation program” shall mean any activity that is organized or recognized as a viable recreational program by the Community Education Director or City Administrator of the City of Tracy, including but not necessarily limited to ice hockey, ice skating, flag football, tennis and softball league games.

**Subd. 5. PROHIBITED ACTIVITIES.** The following activities are prohibited in parks:

- A. Digging of any kind, or the cutting, breaking off or any other damage to trees, bushes, plants or other growth.
- B. The use of fireworks or firearms of any type, including fireworks whose use may otherwise be legal by state law in other areas of the City of Tracy, except for fireworks displays authorized by law via permit.
- C. Smoking or any other use of tobacco in any building, bathroom, or the Central Park ice rink shelter, or in or within 10 feet of the Central Park Bandshell or any covered picnic shelter.
- D. Climbing or jumping on any building, picnic shelter, backstop, fence, tree or picnic table.
- E. Use or display of any alcoholic beverages, including 3.2 beer.
- F. Use of the fenced basketball/tennis courts area at Central Park for activities other than playing basketball or tennis.
- G. Removing picnic tables from any park without having first obtained the permission of, and paid the appropriate fees to the appropriate City official
- H. Committing or suffering to allow to be committed, any act otherwise prescribed by law.
- I. Using a park or any area therein while it is closed, entering or attempting to enter any locked building or building marked as closed, or entering a park after the person has been denied the right to do so as otherwise provided in this Section.
- J. Violate any posted or displayed park rule, or fail to abide by any restriction as to park use which was made as a conditions of any use granted to a person for a park or area thereof.
- K. Intimidating, or attempting to intimidate, by force of acts or words or otherwise, any person, including a City Public Works employee, into refraining from lawfully entering or remaining in a park or using any facilities therein, or unreasonably denying, or attempting to deny, others the ability to use, or share the use of, any park area or facilities or equipment in a park
- L. Use of motorized vehicles on any bike trail.
- M. Using, smoking, or ingesting cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.

### Subd. 9. VIOLATIONS.

- A. A violation of any provision in paragraphs C, D, E, or F, or M of Subd. 5 of this Section shall be a petty misdemeanor.
- B. A violation of any provision in this Section other than as specified in subparagraph A, above, shall be a misdemeanor.”

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TRACY, MINNESOTA THIS 11<sup>th</sup> DAY OF SEPTEMBER 2023.

APPROVED:  
Pam Cooreman, Mayor

ATTESTED:  
Shane Daniels, City Clerk/Administrator

(First Date of Pub.: Wed., Sept. 13, 2023)  
(Date of Pub.: Wed., Sept. 13, 2023)

LYON COUNTY BOARD OF COMMISSIONERS  
Tuesday, August 15, 2023

**A Summary of the Proceedings of the Lyon County Board**  
9:00 a.m. pursuant to notice the Lyon County Commissioners met with the following members present: Commissioners Graupmann, Anderson, Crowley, Draper and Andries. Also present: Administrator Stomberg and County Attorney Wikelius.

- MSP** to approve agenda as presented.
- MSP** to approve the consent agenda as presented.
- MSP** to approve the resolution to extend the Lyon County Comprehensive Water Management Plan until December 31, 2027 and authorize the Board chair and County Administrator to sign the resolution.
- MSP** to appoint Mitch Kling and Bill Ufkin to the Lincoln Pipestone Rural Water Board.
- MSP** to approve the \$20 fee for recording of the ordinance and certificates of filings.
- MSP** to set the fee for solar at \$250,000 for the first megawatt and \$50,000 each additional megawatt as cash payment for the fee schedule.
- MSP** to approve the use the buffer enforcement fund not to exceed \$10,000 for a study on CD 12.
- MSP** to approve the hiring for the Crime Victim Services Coordinator position.
- MSP** to approve Fair Board to sell advertisement space to be placed on the back wall of the hoop barn.
- MSP** to go into closed session.
- MSP** to approve County Administrator, Loren Stomberg, annual salary to \$144,944.
- Meeting adjourned at 12:10 p.m.

A copy of these proceedings are available in the County Administrator Office of Lyon County and also available at www.lyonco.org.

**NEED LEGAL HELP?**

At your neighborhood Legal Kiosk you can apply for free legal services, find information and attend virtual meetings – all for free!

Visit [LegalKiosk.org](http://LegalKiosk.org) to find a location near you.

**Donate Your Vehicle**

Call (833) 937-2593 to donate your car, truck, boat, RV, and more today!

- Support Veteran Nonprofits.
- Free Pickup & Towing.
- Top Tax Deduction.

**Donate Your Vehicle Today**  
**833-937-2593**

While we appreciate every donation, in some cases, we find that we are unable to accept certain vehicles, watercraft, and/or recreational vehicles due to the prohibitive costs of acquisition. If you have any questions, please give us a call at (833) 937-2593.