**CITY OF ROCKFORD**

**COUNTIES OF WRIGHT AND HENNEPIN**

**STATE OF MINNESOTA**

**ORDINANCE NO.: 2025-01**

**ORDINANCE AMENDING THE ZONING ORDINANCE**

**FOR REGULATION OF CANNABIS BUSINESSES**

The Rockford City Council does ordain:

**Section 1.** Section 1001.02.Subd 2 Definitions of this chapter (Zoning Ordinance) is hereby amended to include the following definitions:

**Cannabis Business Related:** Unless otherwise noted in this section, words, and phrases contained in Minnesota Statutes, section 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this title.

a. Adult-Use Cannabis Product. As defined under Minnesota Statutes, section 342.01, subd. 4.

b. Cannabis Cultivation. A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

c. Cannabis Manufacturer. A cannabis business that makes cannabis and/or hemp concentrate, manufactures artificially derived cannabinoids, adult-use cannabis products, lower-potency hemp edibles, and/or hemp-derived consumer products, and sells cannabis concentrate, hemp concentrate, artificially derived cannabinoids, cannabis products, lower-potency hemp edibles, hemp-derived consumer products to other cannabis businesses pursuant to Minnesota Statute Sections 342.26 and 342.31.

d. Cannabis Mezzobusiness. A cannabis business that grows cannabis plants from seed or immature plant to mature plant, harvests the cannabis flower from a mature plant, makes cannabis and/or hemp concentrate, manufactures artificially derived cannabinoids, adult-use cannabis products, lower-potency hemp edibles, and/or hemp-derived consumer products, and sells immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to other cannabis businesses and to consumers pursuant to Minnesota Statute Section 342.29.

e. Cannabis Microbusiness**.** A cannabis business that grows cannabis plants from seed or immature plant to mature plant, harvests the cannabis flower from a mature plant, makes cannabis and/or hemp concentrate, manufactures artificially derived cannabinoids, adult-use cannabis products, lower-potency hemp edibles, and/or hemp-derived consumer products, and sells immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to other cannabis businesses and to consumers, including on-site consumption, pursuant to Minnesota Statute Section 342.28.

f. Cannabis Testing Facility. A cannabis business that obtains and tests immature cannabis plants and seedlings, cannabis flower, cannabis products, hemp plant parts, hemp concentrate, artificially derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, and industrial hemp growers pursuant to Minnesota Statute Sections 342.37 and 342.38.

g. Cannabis Retail Businesses. A state licensed retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers.

h. Cannabis Retailer. Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.

i. Cannabis Wholesaler. A cannabis business that sells immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to cannabis microbusinesses, cannabis mezzobusinesses, cannabis manufacturers, and cannabis retailers pursuant to Minnesota Statute Sections 342.33 and 342.34.

j. Daycare. 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 twenty four (24) hour day.

k. Hemp Business. A business licensed by the Office of Cannabis Management (OCM) as defined by Minnesota Statute 342.01 Subd. 34.

l. Lower-Potency Hemp Edible Manufacturer. A hemp business that makes hemp concentrate, manufactures artificially derived cannabinoids lower-potency hemp edibles, and/or hemp- derived consumer products, and sells hemp concentrate, artificially derived cannabinoids, lower- potency hemp edibles, hemp-derived consumer products to other cannabis businesses and hemp businesses pursuant to Minnesota Statute Section 342.45.

m. Lower-Potency Hemp Edible Retailer. A hemp business that sells lower-potency hemp edibles to customers, including on-site consumption, pursuant to Minnesota Statute Section 342.46

n. Lower Potency Hemp Edible. As defined under Minnesota Statutes, section 342.01, subd. 50.

o. Office of Cannabis Management. State of Minnesota Office of Cannabis Management, as may be referred to as “OCM” in reference to this title.

p. Place of Public Accommodation. A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

q. Preliminary License Approval. Office of Cannabis Management pre-approval for a cannabis business license for applicants who qualify under Minnesota Statutes, section 342.17.

r. Public Place. A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.

s. Residential Treatment Facility. As defined under Minnesota Statutes, section 245.462 subd. 23.

t. Retail Registration. An approved registration issued by Wright County to a cannabis retail business.

u. School. A public school as defined under Minnesota Statutes, section 120A.05 or a nonpublic school that complies with the reporting requirements under Minnesota Statute, section 120A.24.

v. State License. An approved license issued by the Office of Cannabis Management to a cannabis retail business.

**Section 2.** Section 1001.09 of this chapter (Zoning Ordinance – Additional Requirements, Exceptions and Modifications) is hereby amended to read as follows:

**Subd. 24 Cannabis Business Uses.**

A. Findings and Purpose. The City makes the following legislative findings:

1. The purpose of this chapter is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes the city to protect the public health, safety, and welfare of residents by regulating cannabis businesses within the city.

2. The City finds that the proposed provisions are appropriate and lawful regulations for the city, that the proposed amendments will promote the interests of the community in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

B. Authority. The City has the authority to adopt this chapter pursuant to:

1. Minnesota Statutes, section 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.

2. Minnesota Statutes, section 342.22, regarding the local registration and enforcement requirements of state licensed cannabis retail businesses and lower potency hemp edible retail businesses.

3. Minnesota Statutes, section 152.0263, Subd. 5, regarding the use of cannabis in public places.

4. Minnesota Statutes, section 462.357, regarding the authority of a local authority to adopt zoning ordinances.

C. License and Registration:

1. State License. Operation of a cannabis business of the types established by Minnesota Statues, section 324.10 shall require a state license in accordance with Minnesota Statutes, section 342.14.

2. Retail Registration. No individual or entity may operate a cannabis retail business within the city without first obtaining approval of a registration from Wright County or Hennepin County, as applicable, in accordance with Minnesota Statutes, section 342.22.

D. Buffer Zone Required:

1. Operation of a retail cannabis business shall be prohibited within:

a. One thousand feet (1,000 feet) of a school.

b. Five hundred feet (500 feet) of a day care.

c. Five hundred feet (500 feet) of a residential treatment facility.

d. Five hundred feet (500 feet) of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

2. For purposes of this section, the distance of a required buffer between a cannabis retail business and a use identified in Section 1001.09, Subd 24.D.1 of this chapter shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure the cannabis business is located to the property line of said use.

3. Pursuant to Minnesota Statutes, section 462.367, subd. 14, a registered cannabis business established in accordance with the provisions of this chapter or a cannabis business seeking registration from continuing operation at the same site shall not be prohibited if a use identified within Section 1001.09, Subd 24.D.1 of this chapter moves within the minimum required buffer zone.

E. Performance Standards.Operation of a registered cannabis business of the types established by Minnesota Statues, section 324.10 within the city shall comply with the provisions of this title and the following:

1. Building Code. The cannabis business shall comply with the provisions of Section 1003.01 of this City Code.

2. Fire Code. The cannabis business shall comply with the provisions of 1006.01 of this City Code.

3. Allowed Hours:

a. Retail sale of cannabis, cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products shall be limited to occur between the hours of ten o’clock (10:00) A.M. to nine o’clock (9:00) P.M each day, unless extended by approval of an interim use permit.

b. Temporary cannabis events shall be limited to occur between the hours established by Section 1001.09, Subd 24.F.3.a of this chapter.

c. Hours of operation for cannabis businesses other than those specified by Section 1001.09, Subd 24.E.3.a and Section 1001.09, Subd 24.F.3.b of this chapter shall be allowed subject to other applicable provisions of this City Code.

4. Ventilation. A cannabis business shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the cannabis business at the property line.

5. Age Limitations. No person under twenty-one (21) years of age shall be within the cannabis business premises.

6. Public View:

a. All activities of a cannabis business businesses, including, without limitation, cultivating, growing, processing, displaying, manufacturing, selling, and storage, shall be conducted out of public view.

b. No cannabis or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.

7. Prohibited Activities:

a. Consumption or use of cannabis products onsite of a cannabis retail business is prohibited.

b. There shall be no outdoor events or sales associated with a cannabis business; all such activities shall occur within a principal or accessory building, including temporary structures, as allowed in compliance with title 1001 of this City Code.

c. No cannabis business shall occupy a residential dwelling unit.

8. Signs: Cannabis businesses are subject to Section 1001.08, Sub.10 District Regulations of this chapter and all other signs are prohibited. Signs shall only contain words and shall not depict a cannabis flower, cannabis product, hemp edibles, hemp derived edible consumer product, or any other logo, picture, image or symbol intended to denote or suggest cannabis, hemp or related paraphernalia. Additionally, a business logo containing the above depictions shall not be displayed as part of any exterior signage. No products, interior signage, advertisements, or like attention getting items shall be placed or displayed that may be visible from the exterior of the cannabis business.

F.Temporary Cannabis Events:In addition to the provisions of Section 1001.09, Subd 24.E of this chapter, the following conditions shall be required for temporary cannabis events:

1. No sales of cannabis products, except for lower-potency hemp edibles, shall be allowed at temporary cannabis events.

2. No on-site consumption of cannabis products, except for lower-potency hemp edibles, shall be allowed at temporary cannabis events.

G.Lower Potency Edibles:The retail sale of lower potency edibles and beverages shall be allowed, subject to the conditions within this section:

a. Age Restrictions. The sale of lower potency edibles is permitted only in places that admit persons twenty one (21) years of age or older.

b. Product Storage. Lower potency edibles shall only be sold behind a counter and shall be stored in a locked case.

H.Use in Public Places. No person shall use cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment, or an event licensed to permit on-site consumption of cannabis products.

**Section 3.** Section 1001.09, Subd 14.D.b of this chapter (Zoning Ordinance – Home Occupations) is amended to include the following provision:

4. Cannabis business or low-potency hemp business.

**Section 4.** Section 1001.16, Subd 2 of this chapter (Zoning Ordinance – C-0, Downtown Commercial District; Permitted Uses) is hereby amended to include the following provision with subsequent sections renumbered accordingly:

C. Cannabis businesses; retail businesses, medical cannabis retailer, and lower potency hemp edible retailer only, subject to the provisions of Section 1001.09, Subd. 24 of this chapter.

**Section 5.** Section 1001.16, Subd 2 of this chapter (Zoning Ordinance – C-0, Downtown Commercial District; Permitted Uses) is hereby amended to include the following provision with subsequent sections renumbered accordingly:

AA. Temporary cannabis events in accordance with Section 1001.09, Subd 24 this chapter.

**Section 6.** Section 1001.20, Subd 2 of this chapter (Zoning Ordinance – I1, Industrial District; Permitted Uses) is hereby amended to include the following provision with subsequent sections renumbered accordingly:

C. Cannabis businesses; delivery, medical cannabis retailer, and transporter only, subject to the provisions of Section 1001.09, Subd 24 of this chapter.

**Section 7.** Section 1001.20, Subd 5 of this chapter (Zoning Ordinance – I1, Industrial District; Interim Uses) is hereby amended to include the following provision with subsequent sections renumbered accordingly:

A. Cannabis businesses; combination medical cannabis, cultivator, delivery service, manufacturer, medical cannabis combination, mezzobusiness, microbusiness, temporary cannabis event, testing facility, transporter, and lower potency hemp manufacturer only, provided that:

a. City Code. The cannabis business shall comply with the provisions of Section 1001 of this City Code.

b. Indoor Operations:

(1) A cannabis business shall be conducted entirely within a principal or accessory building as allowed by this title; all outside storage is prohibited.

(2) All waste and recycling containers shall be kept within a principal or accessory building.

c. Minimum Buffer Zone. All principal and accessory buildings occupied by a cannabis business shall be setback a minimum of five hundred feet (500’) from any residential district established by Section 1001.10 of this chapter.

d. Allowed Hours:

(1) Retail sale of cannabis, cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products shall be limited to occur between the hours set forth by Section 1001.09, Subd 24.E.3.a of this chapter.

(2) The hours of operation for a cannabis business other than those specified by Section 1001.09, Subd 24.E.3.a of this chapter shall be limited to the hours of seven o’clock (7:00) A.M. to ten o’clock (10:00) P.M each day, unless extended by the city council.

e. Emissions. An emissions plan shall be submitted with application for a conditional use permit describing the emissions(s) anticipated to originate at the premises and the methods to be used to prevent such odor(s) from leaving the premises, subject to the following:

(1) Sufficient measures and means of preventing any gas, vapors, odors, smoke, odors, debris, dust, fluids, or other substances from exiting a cannabis business shall be provided at all times.

(2) In the event that any gas, vapors, odors, debris, dust, fluids, or other substances exit a cannabis business, the cannabis business and the owner of the subject property shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition.

(3) The cannabis business shall properly dispose of all such materials, items, and other substances in a safe, sanitary, and secure manner and in accordance with all applicable federal, state and local laws and regulations.

f. Cultivation:

(1) Cannabis cultivation shall not be perceptible from the exterior of the building in which the cultivation occurs.

(2) Lighting:

i. The use of any lighting for indoor marijuana cultivation shall be limited to light-emitting diodes (LEDs), compact fluorescent lamps (CFLs), or other fluorescent lighting.

ii. Use of high-intensity discharge (HID) lighting, including, but not limited to, mercury-vapor lamps, metal-halide (MH) lamps, ceramic MH lamps, sodium-vapor lamps, high-pressure sodium (HPS) lamps and xenon short-arc lamps, shall be prohibited.

g. Utilities. The use shall be connected to public sanitary sewer and water utility systems.

  (1) Sanitary Sewer:

(a) There shall be adequate capacity within the sanitary sewer system, including collection pipes, lift stations, forcemains, and wastewater treatment facilities serving the property to accommodate the cannabis business.

(b) Discharges to the sanitary sewer system be subject to approval of the city engineer in accordance with Chapter 401 of this code.

(2) Public Water:

(a) There shall be adequate capacity within the public water system, including wells, pump houses, water towers, pressure valves, and distribution pipes serving the property to accommodate the cannabis business.

(b) Connection to the public water system shall comply with Chapter 402 of this code, including provision of cross connection controls subject to approval of the city engineer.

h. Security:

(1) Burglary alarm systems with audible and sheriff notification components that are professionally monitored and maintained in good working condition shall be installed on all doors, windows, and access points.

(2) Surveillance cameras shall be installed and operate twenty-four (24) hours a day, seven (7) days a week, with thirty (30) day video storage, to monitor all entrances and trash receptacles, along with the interior and exterior of the premises shall be required.

(3) Exterior lighting shall be required sufficient for observers to see and for cameras to record, that is either constantly on or activated by motion detectors.

(4) Deadbolt locks shall be installed and utilized on all exterior doors and locks shall be installed on all other windows or access points.

(5) Additional security requirements including, but not limited to, security guards, steel doors, and steel window coverings shall be required as determined by the city council.

i. Retail sale of products other than cannabis products as an accessory use shall be allowed subject to approval of separate conditional use permit.

**Section 8.** This ordinance shall take effect immediately upon its passage publication.

(remainder of page intentionally blank signatures follow)

**ADOPTED** by the Rockford City Council this \_\_\_\_day of \_\_\_\_\_, 2025.

**MOTION BY:**

**SECONDED BY:**

**IN FAVOR:**

**OPPOSED:**

**CITY OF ROCKFORD**

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Michael Werman , Mayor

ATTEST:

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Deb Buoy, Assistant City Adminstrator/City Clerk