

Chapter 5-3000 – Cannabinoid products

5-3001 Purpose

The City of Coon Rapids recognizes that many persons under the age of 21 years purchase or otherwise obtain, possess, and use Cannabinoid products. Sales, possession, and use of Cannabinoid products by persons under 21 is a violation of State and Federal Laws. Further, the City of Coon Rapids recognizes the consumption of cannabinoid products preceding the operation of a motor vehicle results in a danger to public safety in the form of intoxicated drivers. This Chapter is intended to regulate the sales and possession of cannabinoid products by persons under 21 and limit the impact on public safety from intoxicated individuals.

5-3002 Application of Chapter 5-100

The provisions of Chapter 5-100 shall apply to the issuance of licenses hereunder.

5-3003 Definitions

Except as other provided or clearly implied by context all terms shall be given their commonly accepted definitions. Within this chapter, the following terms shall have the definitions given to them:

- (1) Convicted – Any disposition of a criminal charge that is not a dismissal or acquittal.
- (2) Edible cannabinoid product – A product that is intended to be eaten or consumed as a beverage by humans and contains a cannabinoid in combination with food ingredients and comports with all of the requirements of Minnesota Statute 151.72 or its progeny.
- (3) Primary place of business – The physical location where the edible cannabinoid product will be sold.
- (4) School - A public or nonpublic elementary or secondary school.
- (5) Sell – Sell, give away, barter, deliver, exchange, distribute or dispose of to another or to offer or agree to perform any of the aforementioned.
- (6) Vending Machine - Any mechanical, electric or electronic, or other type of device which dispenses a product upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the product.

5-3004 License Required

No person shall indirectly deal in, sell, or offer for sale any edible cannabinoid product in the City without first obtaining a license under this chapter and paying the associated fees.

5-3005 Ineligible for License

No license under this Chapter will be issued to or held by:

- (1) Unless otherwise specifically provided, in this Section the term "Person" will apply to individuals, partnerships, corporations, or any other legal entity.
- (2) Any person which holds a license under chapter 5-200, except for a license holder under that chapter that is a Brew Pub or Brewer Taproom as defined by that chapter.

- (3) Any person whose primary place of business will be within 1000 feet of a school.
- (4) Any person who does not have a primary place of business. No door to door sales of edible cannabinoid product is allowed nor shall a license issue.
- (5) Any person who has been convicted of a violation of Minnesota Statutes Chapter 152.
- (6) Any person under the age of 21.

5-3006 Application for License

An application for a license under this chapter shall be made to the City Clerk in writing on a form provided by the City.

- 1) The application must include the following:
 - a) Applicant's full name and date of birth.
 - b) Applicant's residence address and telephone number.
 - c) Applicant's primary place of business address and telephone number.
 - d) Name of applicant's business.
 - e) Kind of business being conducted or to be conducted.
 - f) Whether the applicant has been charged within the preceding five years of violating any Federal, State, or local laws relating to the sale of tobacco products or alcohol and the circumstances arising out of any charge.
 - g) Such other information as required by the City.
 - h) Proof of liability insurance.
- 2) The license fee shall be paid in full before the application for a license is accepted. All fees shall be paid into the general fund of the City. Upon rejection of any application for a license or withdrawal of the application for approval, the fee shall be refunded to the applicant, less costs for processing.

5-3007 Fee

Application and license fees for licenses issued pursuant to this Chapter shall be established from time to time by ordinance of the City Council. Fees shall be sufficient to cover the costs of investigating and issuing a license and the anticipated expenses and costs of enforcing this Chapter. Fees shall be prorated on a monthly basis and the commencement of a license period may be stayed until the purpose for which the license is granted begins.

5-3008 Issuance of License

New licenses and license renewals shall be issued or denied by the City Clerk in accordance with the provisions of Section 5-102, except that the Clerk shall have an initial review period of up to 30 business days in which to issue or deny a license.

5-3009 Term of License

All licenses issued under this Chapter shall expire at midnight on December 31st of each year.

5-3010 Renewals

The request for a renewal shall be made at least 30 days, but no more than 60 days, before the expiration of the current license. The issuance of a license pursuant to this

Chapter shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

5-3010 Prohibited Acts

- 1) A license holder or anyone acting under the license holders authority, express or implied, may not do the following:
 - a. Sell an edible cannabinoid product to any individual who is not at least 21 years of age.
 - b. Allow an edible cannabinoid product to be consumed at their primary place of business.
 - c. Sell any product which does not comply with Minnesota Statute 151.72 or its progeny.
 - d. Allow any person under the age of 18 to sell an edible cannabinoid product.
 - e. Sell an edible cannabinoid product through any vending machine.
 - f. Provide delivery services for an edible cannabinoid product.

5-3011 Compliance Checks

All licensed premises shall be open to inspection by the City Police or other authorized City official during regular business hours. From time to time, but at least once per year, the City shall conduct compliance checks by engaging, persons at least 17 years of age, but less than 21 years of age, to enter each licensed premises to attempt to purchase edible cannabinoid products. Prior written consent from a parent or guardian is required for any person under the age of 18 to participate in a compliance check. Persons used for the purpose of compliance checks shall be supervised by City designated law enforcement officers or other designated City personnel. No persons used in compliance checks shall attempt to use a false identification misrepresenting the person's age, and all persons lawfully engaged in a compliance check shall answer all questions about the person's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this Section shall prohibit compliance checks authorized by State or Federal laws for educational, research, training purposes or required for enforcement of a particular State or Federal law.

5-3012 Responsibility

- 1) All licensees under this Chapter shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, tobacco related devices, or electronic delivery devices on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this Section shall be construed as prohibiting the City from also subjecting the clerk to whatever penalties are appropriate under this Chapter, State or Federal law, or other applicable law or regulation.
- 2) Licensees must comply with all other state and local laws and ordinances.

5-3013 Violations

- 1) Any violation of this chapter by licensee or their employee is a misdemeanor and grounds for revocation of the license issued under 5-3008.

- 2) Any licensee found to have violated this Chapter or whose employee shall have violated this Chapter shall present all mitigating circumstances to the City Clerk within 7 days of being notified of the violation of this chapter.
- 3) The presumption for a violation of this chapter is revocation of the license issued under 5-3008. The City Clerk may deviate from the presumptive license revocation upon substantial and compelling circumstances presented by the license holder; any deviation from revocation requires additional preventative actions by the license holder to avoid violations of this chapter. Violations of this chapter in consecutive calendar years requires revocation of the license with no allowable deviation.
- 4) The City Clerk shall notify the licensee of their determination within 21 days after submission of mitigating circumstances.
- 5) A revocation of the license issued under this chapter as a result of a violation of this chapter does not preclude criminal prosecution for a violation of this chapter.
- 6) A violation of this chapter shall be considered sufficient grounds to revoke any other license otherwise issued by the City Clerk.
- 7) Appeals of any decision made by the City Clerk may be made to the City Council by filing a written request for an appeal with the City Clerk within ten days after the City Clerk's decision. The City Clerk shall place the appeal on the next Council agenda that is held at least ten days following the receipt of the appeal request. Appeals from any decision of the City Council shall be filed in Anoka County District Court within 30 days of the Council's decision. If the revocation is upheld by the City Council or District Court, the City's actual expenses in up to a maximum of \$10,000.00 must be paid by the person requesting the hearing or appealing to District Court.

5-3014 Revocation or Suspension.

Notwithstanding the procedure outline in 5-3011. The City Council may revoke or suspend any license for cause. Before revocation or suspension, the licensee shall be provided with written notice setting forth the nature of the charges against the licensee and setting a date for a hearing before the City Council, which hearing shall not be less than ten or more than 30 days following the date of service of such notice upon the licensee by registered mail or personal service. The licensee shall have the right to appear with counsel, and to present such evidence and make such argument as the Council may deem appropriate. The Council shall have the discretion and power to suspend the license pending the hearing.