

## ORDINANCE 115.01

### AN ORDINANCE OF THE CITY OF BUHL TO REGULATE CANNABIS BUSINESSES

All other provisions of Buhl City Code Title XI: shall remain as currently in existence and not amended except as specifically added herein and said amendment shall be effective upon its passage and proper publication.

#### Section

115.01	Administration
115.02	Registration of Cannabis Business
115.03	Requirements for a Cannabis Business (Time, Place, Manner)
115.04	Temporary Cannabis Events
115.05	Lower Potency Hemp Edibles
115.06	Local Government as a Retailer
115.07	Use of Cannabis in Public

#### 115.01 ADMINISTRATION

(A) *Findings and Purpose.* The City of Buhl makes the following legislative findings:  
The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes the City to protect the public health, safety, welfare of Buhl residents by regulating cannabis businesses within the legal boundaries of the City of Buhl.

The City of Buhl finds and concludes that the proposed provisions are appropriate and lawful land use regulations for the City of Buhl, that the proposed amendments will promote the community's interest 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 & Jurisdiction.* The City of Buhl has the authority to adopt this ordinance pursuant to:

1) Minn. Stat. 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) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.

3) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.

4) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

This ordinance shall be applicable to and within the legal boundaries of the City of Buhl within the County of Saint Louis and State of Minnesota.

(C) *Severability*. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

(D) *Enforcement*. The City of Buhl's Clerk or authorized designee is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

(E) *Definitions*. Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.

(1) *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.

(2) *Cannabis Microbusiness*: Cannabis microbusinesses can grow, make, sell, and buy cannabis (including plants and seedlings), lower-potency hemp edibles, and hemp-derived consumer products. They can also have on-site lounges where customers can use cannabis.

(3) *Cannabis Retailer*: A 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.

(4) *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.

(5) *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 24-hour day.

(6) *Lower-potency Hemp Edible*: As defined under Minn. Stat. 342.01 subd. 50.

(7) *Office of Cannabis Management*: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.

(8) *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.

(9) *Preliminary License Approval*: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.

(10) *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.

(11) *Residential Treatment Facility*: As defined under Minn. Stat. 245.462 subd. 23.

(12) *Retail Registration*: An approved registration issued by the City of Buhl to a state licensed cannabis retail business.

(13) *School*: 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.

(14) *State License*: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

## **115.02 REGISTRATION OF CANNABIS BUSINESSES**

(A) *Consent to registering of Cannabis Businesses*. No individual or entity may operate a state licensed cannabis retail business within the City of Buhl without first registering with the City of Buhl.

Any state-licensed cannabis business that sells to a customer or patient without valid City of Buhl retail registration shall incur a civil penalty of up to \$2,000 for each violation.

Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government.

*(B) Compliance Checks Prior to Retail Registration.* Prior to issuance of a cannabis business registration, the City of Buhl shall conduct a preliminary compliance check to ensure compliance with local ordinances.

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, the City of Buhl shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

*(C) Registration & Application Procedure.*

(1) *Fees.* A registration fee, as established by resolution in the City of Buhl's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.

An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.

Any renewal retail registration fee imposed by the City of Buhl shall be charged at the time of the second renewal and each subsequent renewal thereafter.

A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.

A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

(2) *Application Submittal.* The City of Buhl shall issue at least one retail registration to a state licensed cannabis retail business and additional registration to non-retail for manufacturing or growing approved by a Conditional Use Permit that adheres to the requirements of Minn. Stat. 342.22.

An applicant for a registration shall fill out an application form, as provided by the City of Buhl. Said form shall include, but is not limited to:

- a) Full name of the property owner and applicant;
- b) Address, email address, and telephone number of the applicant;
- c) The address and parcel ID for the property which the retail registration is sought;
- d) Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.

The applicant shall include with the form:

- the registration fee as required by resolution in the City of Buhl's fee schedule;
- a copy of a valid state license;
- proof showing registrant is current on all property taxes and assessments at the location where the retail establishment is located.

Once an application is considered complete, the City of Buhl's authorized designee shall inform the applicant as such, process the application fees, and forward the application to the Community Development, Permitting and Planning Department for approval or denial.

The application fee shall be non-refundable once processed.

*(3) Application Approval.* A state-licensed cannabis business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.

A state-licensed cannabis business application that meets the requirements of this ordinance shall be approved.

*(4) Annual Compliance Checks.* The City of Buhl shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24 and this ordinance.

The City of Chisholm Police Department shall conduct, at minimum, one unannounced age verification compliance per calendar year.

Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

Any failures under this section must be reported to the Office of Cannabis Management

(5) *Location Change*. A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 115.02 Subd. C.2 if it seeks to move to a new location still within the legal boundaries of the City of Buhl.

(D) *Renewal of Registration*. The City of Buhl shall renew an annual registration of a state licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

A state-licensed cannabis retail business shall apply to renew registration on a form established by the City of Buhl.

A cannabis retail registration issued under this ordinance shall not be transferred.

a) *Renewal Fees*. The City of Buhl may charge a renewal fee for the registration starting at the second renewal, as established in the City of Buhl's fee schedule.

b) *Renewal Application*. The application for renewal of a retail registration shall include, but is not limited to:

- Items required under Section 115.02 Subd. C.2 of this Ordinance.
- Such other items as may be required by Minn. Stat. 342.01 et seq.

E) *Suspension of Registration*.

1) *When Suspension is Warranted*. The City of Buhl may suspend a cannabis business registration if it violates the ordinance of the City of Buhl or poses an immediate threat to the health or safety of the public. The City of Buhl shall immediately notify the cannabis retail business in writing the grounds for the suspension.

2) *Notification to OCM*. The City of Buhl shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide the City of Buhl and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

3) *Length of Suspension*. The suspension of a cannabis business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended.

The City of Buhl may reinstate a registration if OCM determines that the violation(s) have been resolved.

4) *Civil Penalties*. Subject to Minn. Stat. 342.22, subd. 5(e) the City of Buhl may impose a

civil penalty, as specified in the City of Buhl's fee schedule, for registration violations, not to exceed \$2,000.

### **115.03 REQUIREMENTS FOR CANNABIS BUSINESSES**

*A) Minimum Buffer Requirements.* The City of Buhl shall prohibit the operation of a cannabis business within 1000 feet of a school.

The City of Buhl shall prohibit the operation of a cannabis business within 500 feet of a daycare.

The City of Buhl shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.

The City of Buhl shall prohibit the operation of a cannabis business within 500 feet of a detoxification facility.

The City of Buhl shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park, that is regularly used by minors, including a playground or athletic field.

Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in Section 115.03 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a (school/daycare/residential treatment facility/ detoxification facility/attraction within a public park that is regularly used by minors) moves within the minimum buffer zone. The restrictions contained within this Section 115.03 constitute an exercise of the City of Buhl's zoning authority and as such may be varied up proper application and approval by the City.

#### *B) Zoning and Land Use.*

*c) Zoning Districts for Cannabis Businesses.* Commercial cannabis businesses shall not be permitted in Residential Districts (R-1 or R-2), but where not expressly prohibited, may be permitted uses when properly established within Commercial Districts (C-1 or C-2).

- retail operations of cannabis microbusiness with retail operations endorsement with or without cultivation endorsement;
- retail operations of cannabis mezzobusiness with retail operations endorsement with or without cultivation endorsement;
- cannabis retailer;
- cannabis event organizer;
- medical cannabis combination business; and

The following cannabis businesses shall be conditional uses in the Industrial District (I-1), and not allowed in all other districts:

- d) non-retail operations of cannabis microbusiness with retail operations endorsement;
- e) non-retail operations of cannabis mezzobusiness with retail operations endorsement;
- f) cannabis microbusiness without retail operations endorsement;
- g) cannabis mezzobusiness without retail operations endorsement;
- h) non-retail cannabis cultivator;
- i) cannabis manufacturer;
- j) cannabis wholesaler;
- k) cannabis transporter;
- l) cannabis testing facility;
- m) cannabis delivery service; and

No cannabis business shall operate as a "home business" or "home occupation" as defined.

C) *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 between the hours of 9:00 a.m. and 10:00 p.m. Monday- Saturday and 10:00 a.m. - 10:00 p.m. on Sunday.

**115.04 TEMPORARY CANNABIS EVENT (Reserved for future expansion)**

**115.05 LOCAL GOVERNMENT AS A CANNABIS RETAILER**

The City of Buhl may establish, own, and operate one municipal cannabis retail business subject to the restrictions in this chapter.

The City of Buhl shall be subject to all same rental license requirements and procedures applicable to all other applicants.

**115.06 USE IN PUBLIC PLACES**

A) *Prohibition.* No person shall use, smoke, vape, or otherwise consume cannabis flower, cannabis products in any public place or place of public accommodation unless the premises is an establishment or event specifically licensed for on-site consumption of adult-use cannabis by the State of Minnesota and the City of Buhl.

B) *Expanded Definition of Public Place.* For the purposes of this section, "public place" includes, but is not limited to:

- Public parks, trails, and recreational areas, including parking lots.
- Public streets, sidewalks, alleys, and rights-of-way.
- Any enclosed, indoor area open to the general public, including but not limited to: Restaurants, bars, cafes, or other food or liquor establishments.
- Theaters, auditoriums, stadiums, arenas, gyms, and entertainment venues. Shopping centers, retail stores, and service establishments.
- Hospitals, nursing homes, medical offices, and healthcare facilities.
- Common areas of rental apartment buildings, hotels, and lodging establishments.
- Public transportation vehicles and facilities, including buses, bus stops, and transit stations.
- Parking lots or outdoor areas of private businesses where public access is generally permitted.

C) *Enforcement and Penalties.* Any person found in violation of this section shall be subject to a civil fine of up to \$500 for a first offense and up to \$1,000 for subsequent offenses within a 12-month period. Law enforcement officers and other designated city officials are authorized to issue citations for violations.

D) *Business Responsibility.* A business or establishment that knowingly allows the unlawful consumption of cannabis on its premises, unless specifically licensed for on-site consumption, may be subject to the following penalties:

- A warning for a first offense.
- A fine of up to \$2,000 for repeated violations.

Possible revocation or suspension of any applicable business license upon multiple violations.

Moved by Councilor Towner and supported by Councilor Loeffler that the foregoing ordinance be adopted.

Voting Aye: 5


Voting Nay: 0

Absent: 0

Ordinance declared adopted on March 17, 2026.

  
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Mayor

Attested:

  
\_\_\_\_\_  
City Administrator

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