

INTERIM ORDINANCE NO. 23-101

**AN INTERIM ORDINANCE TEMPORARILY PROHIBITING  
SALES AND DISTRIBUTION OF CERTAIN THC PRODUCTS**

THE CITY OF COURTLAND DOES ORDAIN:

**Section 1. Authority and Findings.**

- A. The Minnesota Legislature recently amended Minnesota Statutes, section 151.72 (“Amendment”) relating to the sale of certain cannabinoid products. The Amendment permits the sale of edible cannabinoid products for consumption provided such products do not contain more than 0.3% of tetrahydrocannabinol (“THC”) nor more than five milligrams of THC in a single serving, or more than a total of 50 milligrams of THC per package (“THC Products”). The Amendment was effective on July 1, 2022.
- B. The Amendment establishes certain labeling and testing requirements, but does not establish licensing requirements nor prohibits local regulation.
- C. Minnesota Statutes, section 462.355, subd. 4 provides that if a municipality has authorized a study related to potential adoption or amendment to an official control, the city council may adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. An interim ordinance may regulate, restrict, or prohibit any use within the city for a period of up to one (1) year.
- D. The City Council believes that studying the sales and distribution of THC Products is necessary to evaluate the regulatory options available to the City for the purpose of protecting the health and safety of Courtland’s residents.
- E. This interim ordinance is necessary to preserve the public peace, health, morals, safety, and welfare because of the inherent risk of injury to persons related to the recently legalized sale of edible cannabinoid products containing THC. A prohibition on uses related to the sale of such products is necessary to ensure that the City has sufficient time to study potential regulations that will protect the health and safety of the residents of Courtland.

**Section 2. Study.** The City Council hereby authorizes and directs City staff to study the issues relating to the sales and distribution of THC Products and then make a recommendation to the City Council about whether to amend zoning, business-licensing, or other general ordinances to protect the residents of Courtland.

**Section 3. Moratorium.** The following moratorium is established:

- A. No business, person or entity may establish or continue a use that includes or involves the sale or distribution of THC Products for a period of up to one (1) year from the effective date of this Ordinance or until the Council repeals this Ordinance, whichever occurs first.

- B. During the term of this Ordinance, the City staff will not issue any license or permit, nor accept or process any applications for uses related to the sale or distribution of THC Products.
- C. This moratorium does not apply to the sale of products that were lawfully sold in the City prior to the July 1, 2022 effective date of the Amendment.

**Section 4. Enforcement.** In addition to any criminal penalties allowed by law, the City may enforce this Interim Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation is also subject to any general penalty in the City's ordinances.

**Section 5. Severability.** Every section, subsection, provision, or part of this Ordinance is declared severable from every other section, subsection, provision, or part. If any section, subsection, provision, or part of this interim ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, subsection, provision, or part.

**Section 6. Effective Date; Duration.** This emergency ordinance shall become effective immediately upon publication as provided by law. It shall be effective until the earlier of the following events: (a) one (1) year from the effective date of this Ordinance or (b) the date upon which the City Council adopts an ordinance repealing this Ordinance.

**Section 7. Summary.** The Council approves the following summary for publication to clearly inform the public of this Ordinance:

The Ordinance authorizes a study related to the sales or distribution of recently legalized consumable cannabinoid products. Staff will make a recommendation to the City Council about whether to amend its zoning, business-licensing, or other general ordinances. During the term of this Ordinance, no business, person, or entity may establish or continue a use that includes or involves the sale or distribution of consumable cannabinoid products legalized on July 1, 2022 by the amendment to Minnesota Statutes, section 151.72.

Passed by the City Council this 5th day of January 2023.

  
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Al Poehler, Mayor

ATTEST:

  
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Julie Helm, City Clerk

