

**AN INTERIM ORDINANCE EXTENDING THE MORATORIUM ON THE SALE OF  
HEMP DERIVED TETRAHYDROCANNABINOLS (THC) FOOD AND BEVERAGES  
WITHIN THE CITY OF BROWNS VALLEY**

The City Council of the City of Browns Valley ordains:

**PURPOSE AND FINDINGS**

- A. The City of Browns Valley (the “City”) recognizes significant public interest in a new State law that took effect July 1, 2022, Minnesota Laws 2022, Chapter 98 amending M.S.A. §151.72 (“Act”), that now makes it legal to sell certain edibles and beverages infused with tetrahydrocannabinol (THC), the cannabis ingredient extracted from hemp (“Cannabis Products”).
- B. On April 24, 2024, the Browns Valley City Council passed an interim ordinance temporarily prohibiting any business, person, or entity from offering for sale or selling Cannabis Products to the public within the jurisdictional boundaries of the City, with the City thereafter not accepting, processing, or acting on any application, site plan, building permit, or other zoning approval for a business proposing to engage in the sale of Cannabis Products.
- C. The Browns Valley City Council subsequently put together a workgroup consisting of two council members, the City Administrator, the City Attorney, and the Ordinance Enforcement Officer in putting together an Ordinance dealing with Cannabis Products.
- D. The workgroup met and reviewed ordinances from other cities and counties across the State of Minnesota and put together a proposed Ordinance.
- E. While this was occurring, the Traverse County Board of Commissioners also expressed an interest in putting together a county-wide ordinance, which, pursuant to M.S.A. §145A.04, would also regulate Cannabis Products within the City of Browns Valley.
- F. Due to various issues, the Traverse County Board of Commissioners has been unable to finalize its Ordinance before the expiration of the City’s Interim Ordinance.
- G. M.S.A. §462.355 allows a City may extend an existing moratorium up to an additional 18 months.
- H. There is a need for the interim ordinance for Cannabis Products to be extended an additional six (6) months in order to allow the Traverse County Board of Commissioners to enact their own ordinance pertaining to Cannabis Products, for the purposes of protecting the planning process and the health, safety, and welfare of the citizens of the City until a permanent ordinance can be enacted.

**THE CITY COUNCIL FOR THE CITY OF BROWNS VALLEY HEREBY ORDAINS THAT THE INTERIM ORDINANCE PERTAINING TO CANNABIS PRODUCTS WITHIN THE CITY OF BROWNS VALLEY DATED APRIL 24, 2023, BE EXTENDED AN ADDITIONAL SIX (6) MONTHS. SAID ORDINANCE SHALL READ AS FOLLOWS:**

- A. **Definitions.** For the purposes of this Ordinance, the following words, terms, and phrases shall have the meanings given them in this Article.
- (1) “Act” means 2022 Minnesota Session Laws, Chapter 98 (H.F. No. 4065), amending Minnesota Statutes, section 151.72.
  - (2) “Cannabis Products” means Edible Cannabinoid Product regulated by the Act effective July 1, 2022. This term excludes products that are not intended to be eaten or consumed by humans or that contain less than 0.1 percent of any tetrahydrocannabinol.
  - (3) “City” means the City of Browns Valley.
  - (4) “City Code” means The Browns Valley City Code.
  - (5) “Edible Cannabinoid Product” has the same meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(c).
- B. **Study.** The City shall conduct a study regarding Cannabis Products and provide the City Council a report on the potential regulations of such products. 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. The study shall consider, but is not limited to, the following:
- (1) The potential impacts of the sale of Cannabis Products within the City;
  - (2) Licensing the sale of Cannabis Products and related regulations; and
  - (3) Zoning regulations related to the sale, manufacture, and distribution of Cannabis Products as uses within the City.
- C. **Moratorium.** A moratorium is hereby imposed within the City to prohibit any business, person, or entity from offering for sale or selling Cannabis Products to the public within the jurisdictional boundaries of the City. The City shall not accept, process, or act on any application, site plan, building permit, or other zoning approval for a business proposing to engage in the sale of Cannabis Products.
- D. **Violations.** During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to offer for sale, or to sell, Cannabis Products within the City. Any person who violates, neglects, refuses to comply with, or assists or participates in any way in the violation of any of the provisions or requirements of this ordinance is guilty of a misdemeanor and is subject to a penalty of 90 days in jail and/or a \$1000 fine for each violation. Each day such violation continues shall constitute a separate offense.
- E. **Exceptions.** The moratorium imposed by this Ordinance does not apply to the sale of medical cannabis or non-edible hemp products that were lawful to sell prior to the effective date of the Act.




- F. **Enforcement.** A violation of this Ordinance shall be a misdemeanor. In addition, the City may enforce this Ordinance by mandamus, injunction, other appropriate civil remedy in any court of competent jurisdiction, or through the City's administrative penalties program under Section 205 of the City Code.
- G. **Severability.** Every section, provision, and part of this Ordinance is declared severable from every other article, section, provision, and part thereof. If any article, 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 article, section, provision, or part of this Ordinance.
- H. **Not Codified.** This Ordinance is transitory in nature and shall not be codified into the City Code.
- I. **Effective Date and Term.** This Amended Ordinance shall be effective immediately and shall have a term of 6 months. This Amended Ordinance shall remain in effect until the expiration of the 6-month term, until it is expressly repealed by the City Council, or until the effective date of an ordinance amending the ordinance for either the City of Browns Valley or County of Traverse to address the sale of Cannabis Products, whichever occurs first.

PASSED AND ADOPTED this 22nd day of April, 2024.

BROWNS VALLEY CITY COUNCIL

  
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Mike Heck, Mayor

ATTEST:

  
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Jodi Hook-Hansen, City Administrator

**SUMMARY OF AN AMENDED INTERIM ORDINANCE PLACING A MORATORIUM ON THE SALE OF HEMP DERIVED TETRAHYDROCANNABINOLS (THC) FOOD AND BEVERAGES WITHIN THE CITY OF BROWNS VALLEY**

In order to protect the public health, safety, and welfare of the residents of the City of Browns Valley, the Browns Valley City Council hereby extends the existing moratorium prohibiting any business, person, or entity from offering sale or selling Cannabis Products to the public within the jurisdictional boundaries of the City for the next six (6) months. The City shall not accept, process, or act on any application, site plan, building permit, or other zoning approval for a business proposing to engage in the sale of Cannabis Products. This moratorium will allow the City to conduct a study regarding Cannabis Products and provide the City Council a report on the potential regulations of such products. A violation of this moratorium shall constitute a misdemeanor offense, subject to a penalty of 90 days in jail and/or a \$1000 fine for each violation. Each day such violation continues shall constitute a separate offense.


This summary is being published in compliance with Minnesota Statutes Section 331A.01, Subdivision 10 and Minnesota Statutes Section 412.191, Subdivision 4. A copy of the full text of this Ordinance shall be available at regular office hours of the office of the Browns Valley City Administrator. The full text of this Ordinance will be in force and effect from and after its passage and publication according to law.

PASSED AND ADOPTED this 22nd day of April, 2024.

BROWNS VALLEY CITY COUNCIL

  
Mike Heck, Mayor

ATTEST:

  
Jodi Hook-Hansen, City Administrator