

**CITY OF HOPKINS
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 2024-1216

**AN ORDINANCE AMENDING THE HOPKINS CITY CODE ESTABLISHING
REGULATIONS RELATED TO CANNABIS AND HEMP BUSINESSES**

THE CITY COUNCIL OF THE CITY OF HOPKINS HEREBY ORDAINS:

SECTION 1. Amending Chapter 10 of the Hopkins City Code to add a new Article XVIII titled Cannabis and Hemp Businesses, as follows:

ARTICLE XVIII. – CANNABIS AND HEMP BUSINESSES

Sec. 10-650. - Findings and Purpose

The City of Hopkins makes the following legislative findings: The purpose of this ordinance is to protect the public health, safety, welfare in the City by implementing regulations pursuant to Minnesota Statutes, chapter 342 related to cannabis and hemp businesses within the City. The City finds and concludes that these regulations are appropriate and lawful, that the proposed amendments will promote the community's interest in reasonable stability in the development and redevelopment of the City for now and in the future, and that the regulations are in the public interest and for the public good.

Sec. 10-651. - Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning. Additionally, the words and phrases used in this article which are defined in Minnesota Statutes, Section 342.01 and the rules promulgated pursuant to Minnesota Statutes, Chapter 342, shall have the meanings ascribe to them in those statutes and rules.

Applicant means an entity with a license or endorsement issued by the OCM that is applying for an initial registration or for registration renewal.

The Act means Minnesota Statutes, Chapter 342, as it may be amended from time to time.

Cannabis Business has the same meaning as defined in Minnesota Statutes, section 342.01.

Cannabis Retailer means a business with a cannabis retailer license or cannabis retail endorsement from OCM.

OCM means the Minnesota Office of Cannabis Management.

Park Feature means an attraction within a public park that is regularly used by minors, including a playground or athletic field.

Potential Licensee means an entity that has not received a license from the OCM and is seeking a pre-license zoning certification.

Retailer means every business that is licensed under the Act and required to register with the city under Minnesota Statutes, section 342.22. Including cannabis businesses and lower-potency hemp edible retailers.

School means a public school, as defined in Minnesota Statutes, section 120A.05, subdivisions 9, 11, 13, and 17, or a nonpublic school, or church or religious organization in which a child is provided instruction in compliance with this section and section 120A.24, but does not include a home school.

Sec. 10-652. - Pre-License Zoning Certification of Cannabis Businesses

- (a) The City Manager, or designee, is authorized to certify whether a proposed cannabis business complies with the city’s zoning ordinances, this article, and if applicable, with state fire code and building code pursuant to Minnesota Statutes, section 342.13.
- (b) Potential licensees are responsible for obtaining all necessary zoning approvals prior to the city receiving the request for certification from the OCM. If a potential licensee fails to obtain necessary zoning approvals prior to the city receiving a request for certification, the city will inform the OCM that the potential licensee does not meet zoning and land use laws. If, at the time the city receives a request for zoning certification, there are no further intended alterations to the building where the business is to be conducted, the city will also certify compliance with building and fire code regulations, provided that the potential licensee has obtained inspections prior the city’s receipt of a request for certification from the OCM. Building and fire code inspections will be valid for 1 year from completion.

Sec. 10-653 Distance Requirements

- (a) The city prohibits the establishment and operation of a cannabis retailer within the following buffer zones:
 - 350 from a school
 - 350 feet from an attraction with a park feature
 - 500 feet from another cannabis retailer
- (b) The buffers in this section will be measured from the potential licensee’s proposed business location based on the location of schools, park features, and cannabis retailers on the date the city receives the request from the OCM for certification

pursuant to section 10-652. Buffer distances will be measured from the property line of the proposed cannabis retailer to the property line of a school or cannabis retailer, and the border line of a park feature.

- (c) Nothing in this section shall prohibit a cannabis retailer from continuing to operate at the same location if a school or park feature establishes within the buffer zone.

Sec. 10-654. - Retailer Registration

- (a) *Retail Registration Required.* Before making retail sales to customers or patients, a retailer must register with the city. Making retail sales to customers or patients without an active registration is prohibited. Subject to Minn. Stat. 342.22, subd. 5(e) the city may impose a civil penalty, as specified in the city's fee schedule, for making a sale to a customer or patient without a valid registration from the city and a valid license from the OCM.

- (b) *Cannabis Retail Registration Limits.*

- (1) The city will issue three (3) registrations to cannabis retailers.

- (2) Registrations issued to businesses with a license preapproval will count toward the city's registration limit.

- (c) *Processing Registrations.*

- (1) Applications will be processed on a first-come, first-served basis based on the city receiving a complete application. Applications will be considered complete when all materials in Section 10-654 (d) are received by the city and include all required information and the require registration or renewal fee is received

- (2) The date a certification under Section 10-652 is issued will have no impact on the applicant's registration processing.

- (d) *Application.* The applicant must submit a registration application or renewal form provided by the city. The form may be amended from time to time by the City Clerk, but must include or be accompanied by:

- (1) Name of the property owner.

- (2) Name of the applicant.

- (3) Address and parcel ID for the property for which the registration is sought.

- (4) Certification that the applicant complies with the requirements of this article.

- (5) *Fee Required.* At the time of initial application, and prior to the city's consideration of any renewal application, each Retailer must pay fees or initial

registration and renewal as established in the city's fee schedule. Initial registration fees and renewal registration fees are nonrefundable.

- (6) Proof of taxes, assessments, utility charges or other financial claims of the city or the state are current for both the applicant and the proposed location.
 - (7) A copy of a valid state license or written notice of OCM license preapproval.
- (e) *Preliminary Compliance Check.* Prior to issuing any retail registration, the city shall conduct a preliminary compliance check to ensure compliance with this article and any other regulations established pursuant to Minnesota Statutes, section 342.13.
- (f) *Reasons for Denial.* The city shall not issue a registration or renewal if any of the following conditions are true:
- (1) The applicant has not submitted a complete application.
 - (2) The applicant does not comply with the requirements of this article.
 - (3) The applicant does not comply with applicable zoning and land use regulations.
 - (4) The applicant is found to not comply with the requirements of the Act or this article at the preliminary compliance check.
 - (5) The applicant is not current on all property taxes and assessments at the location where the retailer is located.
 - (6) The maximum number of registrations, pursuant to Section 10-654 (b), have been issued by the city.
 - (7) The applicant does not have a valid license from the OCM.
- (g) *Issuing the Registration or Renewal.* The city shall issue the registration or renewal if the Retailer meets the requirements of this article, including that none of the reasons for denial in Section 10-654 (f) are true.
- (h) *Nontransferable.* A registration is not transferable to another person, entity, or location.
- (i) *Registration Enforcement.*
- (1) *Generally.* The city council may impose a fine or suspend a registration under this article on a finding that the registered business has failed to comply with the requirements of this article or any applicable statute or regulation.
 - (2) *Notice and Right to Hearing.* Prior to imposing a fine or suspending any

registration under this article, the city shall provide the registered business with written notice of the alleged violations and inform the registered business of his or her right to a hearing on the alleged violation.

- a. Notice shall be delivered in person or by regular mail to the address of the registered business and shall inform the registered business of its right to a hearing. The notice will indicate that a response must be submitted within ten (10) business days of receipt of the notice, or the right to a hearing will be waived.
 - b. The registered business will be given an opportunity for a hearing before the city's hearing officer before final action to fine or suspend a registration. Provided, the registered business has submitted a written application for appeal within 10 business days after the notice was served. The hearing officer shall give due regard to the frequency and seriousness of the violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply and shall issue a decision to fine or suspend the registration only upon written findings. Within ten (10) business days of the hearing officers order, the decision may be appealed to the city council.
 - c. If no request for a hearing is received within ten (10) business days following the service of the notice, the matter shall be submitted to the city council for imposition of the fine or suspension of the registration.
- (3) *Emergency.* If, in the discretion of the City Manager, a registered business poses an imminent threat to the health or safety of the public, the City Manager may immediately suspend the registration and provide notice of the right to hold a subsequent hearing as prescribed in part (2) of this section.
- (4) *Reinstatement.* The city may reinstate a registration if it determines that the violations have been resolved. The city shall reinstate a registration if the OCM determines the violations have been resolved.

Sec. 10-655. - Compliance Checks

The city shall complete at minimum one compliance check per calendar year of every registered business to assess if the business meets age verification requirements, as required under Minn. Stat. 342.22, subd. 4(b), and any applicable cannabis or hemp regulations adopted by the city.

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 city.

Any failures under this section are a basis for enforcement action and must be reported to the OCM.

Sec. 10-656. - Hours of Operation. Cannabis Retailers may only make retail sales of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 8:00am-10:00pm Monday-Saturday; and 10:00am-10:00pm on Sunday.

Sec. 10-657. - Cannabis Business Complaints

The City Manager is authorized to make complaints to the OCM related to any cannabis business the city believes is in violation of the act or the administrative rules adopted pursuant thereto. The City Manager is also authorized to file a complaint against a cannabis business that poses an immediate threat to the health or safety of the public and request immediate action by the OCM.

Sec. 10-658. - Penalties Administration and Enforcement

Any violation of the provisions of this article or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Each day each violation continues or exists, constitutes a separate offense. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance. Violations of this article may also be addressed under City Code, Chapter 2, Article VII – Administrative Penalties.

Violation of this article shall be grounds for enforcement against any business license issued by the City of Hopkins.

Sec. 10-659. - Severability

If any section, clause, provision, or portion of this article is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this art shall not be affected thereby.

SECTION 2. Article 5, Section 102-510 (a), Table 5-1 is hereby amended by adding the double-underlined language, as follows:

ZONES																Reference		
MX-TOD	MX-D	MX-N	MX-S	RX-TOD	RX-D	RX-N	IX-TOD	FTOD	IX-S	I1	N1, N2	N3-A	N3-B	NX1	NX2		P1	P2

Table 5-1. Principal Use Table

RESIDENTIAL																	102-530	
Household Living, 1 unit	☉	☉	☉	☉	●	●	●	-	-	-	-	●	●	●	●	-	-	
Household Living, 2 units	☉	☉	☉	☉	●	●	●	-	-	-	-	-	●	●	●	●	-	-
Household Living, 3-4 units	☉	☉	☉	☉	●	●	●	-	-	-	-	-	-	-	●	●	-	-
Household Living, 5+ units	☉	☉	☉	☉	●	●	●	-	-	-	-	-	-	-	-	●	-	-
Manufactured Home Park	-	-	-	-	-	-	-	-	-	-	-	-	○	○	○	○	-	-
Group Living (except as below)	☉	☉	☉	☉	●	●	●	-	-	-	-	-	-	-	○	○	-	-
Residential Facility, Small	●	●	●	●	●	●	●	-	-	-	-	●	●	●	●	●	-	-
Residential Facility, Large	○	○	○	○	○	○	○	-	-	-	-	-	-	-	○	○	-	-
COMMERCIAL																	102-540	
Adult-Oriented Business	-	-	-	●	-	-	-	-	-	●	●	-	-	-	-	-	-	-
Animal Boarding	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-
Consumer Service	●	●	●	●	◐	◐	◐	◐	●	●	●	-	-	-	-	-	-	◐
Day Care, Adult	●	☉	●	●	◐	◐	◐	◐	●	●	-	-	-	-	○	○	-	●
Day Care, Small	●	☉	●	●	◐	◐	◐	◐	-	-	-	●	●	●	●	●	-	-
Day Care, Large	●	☉	●	●	◐	◐	◐	◐	-	-	-	-	-	-	○	○	-	-
Entertainment Venue, Large	-	-	-	●	-	●	-	●	-	●	-	-	-	-	-	-	○	●
Funeral & Mortuary Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lodging (except as below)	●	☉	☉	●	●	●	●	-	-	●	-	-	-	-	-	-	-	-
Short-Term Rental	☉	☉	☉	☉	●	●	●	-	-	-	-	○	○	○	○	○	-	-
Office	◐	◐	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-
Personal Credit Establishment	○	-	-	○	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retail & Entertainment (except as below)	●	●	●	●	◐	◐	◐	◐	-	-	-	-	-	-	-	-	-	◐
Brewpub	-	●	●	●	-	◐	◐	-	-	-	-	-	-	-	-	-	-	-
Firearms Sales Establishment	-	-	-	○	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Liquor Sales, Off-Sale	●	●	●	●	◐	◐	◐	◐	-	-	-	-	-	-	-	-	-	-
Tobacco Sales Establishment	●	●	●	●	◐	◐	◐	◐	-	-	-	-	-	-	-	-	-	-
Self-Service Storage	-	-	-	-	-	-	-	○	-	-	○	-	-	-	-	-	-	-
Vehicle Sales & Service (except as below)	-	-	-	○	-	-	-	-	○	○	○	-	-	-	-	-	-	-
Major Vehicle Repair & Maintenance	-	-	-	-	-	-	-	-	○	○	-	-	-	-	-	-	-	-
MANUFACTURING & INDUSTRY																	102-550	
Manufacturing, Artisan	●	●	●	●	◐	◐	◐	●	●	●	●	-	-	-	-	-	-	-
Manufacturing, Limited	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-
High-Impact Industry	-	-	-	-	-	-	-	-	-	-	●	-	-	-	-	-	-	-
Urban Farm	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	●	-

Warehousing & Distribution	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-
CIVIC & INSTITUTIONAL																			102-560
College	⊖	⊖	⊖	⊖	●	●	●	●	-	-	-	-	-	-	-	-	-	-	●
Community Assembly	⊖	⊖	⊖	⊖	●	●	●	-	-	-	-	-	-	-	-	-	-	-	○
Cultural Facility	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	●
Community Garden	●	-	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Detention or Correctional Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	○
Hospital	-	-	-	-	○	○	-	-	-	-	-	-	-	-	-	-	-	-	●
Parks and Open Space	-	-	●	●	●	●	●	●	●	●	●	○	-	-	-	-	-	-	●
School	⊖	⊖	⊖	⊖	●	●	●	-	-	-	-	-	-	-	-	-	-	-	○
Utilities & Services, Minor	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Utilities & Services, Major	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
OTHER																			102-570
Wireless Communication Facility																			102-580.(o)
Tower	-	-	-	-	-	-	-	-	-	-	-	○	-	-	-	-	-	-	-
<u>Cannabis Businesses</u>																			
<u>Cannabis & Hemp Retail</u>	●	●	●	●	⓪	⓪	⓪	⓪	=	=	=	=	=	=	=	=	=	=	102-580.(p)
<u>Cannabis Cultivation, Small-scale</u>	●	●	●	●	⓪	⓪	⓪	●	●	●	●	=	=	=	=	=	=	=	102-580.(p)
<u>Cannabis Cultivation, Large-scale</u>	=	=	=	=	=	=	=	●	●	●	●	=	=	=	=	=	=	=	102-580.(p)
<u>Cannabis & Hemp Product Manufacturing, Small-scale</u>	●	●	●	●	⓪	⓪	⓪	●	●	●	●	=	=	=	=	=	=	=	102-580.(p)
<u>Cannabis & Hemp Product Manufacturing, Large-scale</u>	=	=	=	=	=	=	=	●	●	●	●	=	=	=	=	=	=	=	102-580.(p)
<u>Cannabis Wholesale & Transportation</u>	=	=	=	=	=	=	=	=	●	●	●	=	=	=	=	=	=	=	
KEY: ●= Permitted ⊖= Permitted in Upper Stories Only ⓪= Limited to No More than 25% of Building Area ⓪= Limited on first floor to buildings on the interior of a block see 102-580.(d) ○= Requires Conditional Use Approval -= Prohibited																			

SECTION 3. Article 5, section 102-540 (h) of the City of Hopkins Development Code is amended by the following double-underlined language, as follows:

102-540 (h) OFFICE

- f. Research Service. Establishments engaged in scientific research and testing services leading to the development of new products and processes. **Licensed cannabis testing facilities that comply with all provisions in Minnesota Statute section 342.38 are classified as research service uses.** Uses that involve the mass production, distribution or sale of products or that produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property are classified in the limited manufacturing use category (see 102-550).

SECTION 4. Article 5, section 102-570 of the City of Hopkins Development Code is amended by the following double-underlined language, as follows:

102-570 Other Uses

102-570 **(b) Cannabis Businesses**

(1) **Description. The cannabis business use group includes cannabis and hemp businesses, as defined in Minnesota State Section 342.01, involving the cultivation, propagation, transportation, manufacture, processing, extraction, creation, testing, packaging, labeling, wholesaling, and retail sale of products as authorized under Minnesota Statutes Chapter 342. Such cannabis and hemp establishments are subject to the requirements of State Law and regulations as established by the State of Minnesota Office of Cannabis Management.**

- a. **Cannabis and Hemp Retail. A cannabis retailer 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, or lower-potency hemp edible retailers, as defined under Minn. Stat. 342.01. Such uses are subject to the supplemental use regulations of 102-580 (p).**
- b. **Cannabis Production and Manufacturing. A licensed cannabis business involved in the cultivation, manufacture, transportation, and wholesaling of cannabis. The production and manufacturing use category includes the following subcategories:**
 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 Minnesota Office of Cannabis Management. Such uses are subject to the supplemental use regulations of 102-580 (p). Cannabis cultivation includes the following:**
 - i. **Large-Scale Cultivation. A facility with greater than 5,000 sq. ft. of cannabis cultivation.**
 - ii. **Small-Scale Cultivation. A facility with up to 5,000 sq. ft. of cannabis cultivation.**
 2. **Cannabis and Hemp Manufacturing. A cannabis business or hemp business that is licensed to manufacture products exclusive to such license type. Cannabis and Hemp manufacture are subject to the supplemental use regulations of 102-580 (p), and include the following:**
 - i. **Small-Scale Cannabis and Hemp Manufacturing. A facility, with up to 5,000 sq. ft. of cannabis manufacturing floor area, except for facilities that include extraction and concentration.**
 - ii. **Large-Scale Cannabis and Hemp Manufacturing. A facility, with over 5,000 sq. ft. of cannabis manufacturing floor area. Also includes any facility licensed or authorized to**

manufacture cannabis products that creates cannabis concentrate, hemp concentrate, or artificially derived cannabinoids.

3. Cannabis Wholesale and Transportation. A cannabis business licensed to transport, deliver, or wholesale cannabis and cannabis products.

SECTION 5. Article 5, section 102-580 of the City of Hopkins Development Code is amended by the following double-underlined language, as follows:

102-580 Supplemental Use Regulations

102-580 (p) Cannabis Business Uses

- (1) Cannabis & Hemp Retail. Cannabis and Hemp Retail uses are subject to the following supplemental use regulations:

- a. Setbacks as established in City Code, section 10-653.
- b. Retailers are permitted to erect up to two fixed signs on the exterior of the building or property of the business, in compliance with the regulations of Article 10.
- c. Accessory Delivery of cannabis and cannabis products is allowed provided the business is licensed for such activity.
- d. An Accessory Lounge is allowed for a cannabis microbusiness business with an on-site consumption endorsement. An Accessory lounge means a portion of the premise for consumption of edible cannabis products and lower-potency hemp edibles.
- e. Requirements established in City Code, Chapter 11, Article XVIII.

- (2) Cannabis Cultivation. Cannabis cultivation uses are subject to the following supplemental use regulations:

- a. Submittal of a required cultivation plan and operation plan prior to commencement of activities.
- b. Artificial lighting utilized as part of the cultivation process shall not be illuminated in a manner that is visible from neighboring properties between sunset and sunrise.
- c. The facility shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold.
- d. Disposal of waste must meet all State and Federal guidelines. Waste must be maintained in a secure location until removed from the location.

- (3) Cannabis and Hemp Manufacturing. Large-Scale and small-scale Cannabis and Hemp Manufacturing uses are subject to the following supplemental use regulations:

- a. Submittal of a required manufacturing plan prior to commencement of activities.
- b. All operations of the business shall take place within an enclosed building. No exterior storage is allowed.

- c. **The facility shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold.**
- d. **Disposal of waste must meet all State and Federal guidelines. Waste must be maintained in a secure location until removed from the location.**

SECTION 6. Article 6, section 102-650 of the City of Hopkins Development Code is amended by the following **double-underlined** language, as follows:

102-650 Home Occupations
 102-650 (f) PROHIBITED USES

The following uses are expressly prohibited as home occupations:

- (1) Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
- (2) Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
- (3) Equipment or supply rental businesses;
- (4) Firearms and ammunition sales;
- (5) Adult-oriented businesses (as defined in Sec. 10-495(b) of the Hopkins City Code);
- (6) Taxi, limo, van or bus services;
- (7) Tow-truck services;
- (8) Restaurants;
- (9) Funeral or interment services;
- (10) Animal care, shelter or boarding establishments;
- (11) Commercial food preparation;
- (12) Massage therapy;
- (13) Cannabis and Hemp Businesses**
- (14) Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; and
- (15) Any home-based work activity that does not comply with regulations of this section.

SECTION 7. INTERIM ORDINANCE TERMINATION. Upon the Effective Date of this Ordinance, _____ Interim Ordinance shall automatically terminate.

SECTION 8. EFFECTIVE DATE. The effective date of this ordinance shall be the date of publication.

First Reading:	December 10, 2024
Second Reading:	December 17, 2024
Date of Publication:	December 26, 2024
Date Ordinance Takes Effect:	December 26, 2024

By:

Patrick Hanlon, Mayor

ATTEST:

Amy Domeier, City Clerk