

**ORDINANCE NO. 12-2023**

**CITY OF AFTON**

**EXTENSION OF THE MORATORIUM ESTABLISHED BY AN  
INTERIM ORDINANCE PROHIBITING THE SALE, TESTING,  
MANUFACTURING, AND DISTRIBUTION WITHIN THE CITY OF  
PRODUCTS CONTAINING THC**

THE CITY COUNCIL OF THE CITY OF AFTON, MINNESOTA DOES HEREBY ORDAIN:

SECTION 1. MORATORIUM

(a) Preamble

During the 2022 regular legislative session, the Minnesota Legislature amended Minn. Stat. § 151.72 to permit the sale of edible and nonedible cannabinoid products that contain no more than 0.3% of tetrahydrocannabinol (“THC”) effective July 1, 2022. The amendment contains requirements for packaging and warning labels, establishes the maximum individual dosage size, and prohibits sales of products containing THC to anyone under the age of 21. However, the law does not contain any other regulations governing production, sale, or legal compliance, leaving all such matters to local authorities.

The City of Afton (“City”) and other local authorities had little to no notice of the amendment of Minn. Stat. § 151.72 prior to the effective date of the new provisions. The City is concerned that without some local regulations in place, the largely uncontrolled sale of products containing THC in the City may jeopardize the health, safety, and welfare of City residents. Pursuant to Minn. Stat. § 412.221, subd. 32 and its general police powers, the City is empowered to act to prohibit such sales until such regulations are adopted.

(b) Findings

The City Council finds it necessary for the City to take time to study and consider: (1) Potential local regulations to govern the sale of products containing THC in the City, including licensing and other measures to insure compliance with state law and to assure the health, safety, and welfare of City residents; and (2) the efficacy of allowing sales, testing, manufacturing, and distribution of THC products in particular locations within the City and whether zoning ordinance changes and other regulations to maintain safe proximity among various legal uses may be required.

Upon completion of the foregoing study, the City will consider the need and options for amendments to City Code to regulate the sale, testing, manufacturing, and distribution of THC products.

(c) Moratorium Extended; Scope

Pursuant to authority granted by Minn. Stat. § 462.355, subd. 4, the City established a moratorium prohibiting the sale, testing, manufacturing, and distribution of any products containing THC within the City while the study and implementation of potential regulations and zoning changes is ongoing. Due to the lack of adequate additional direction provided in state statute, the City now hereby extends the moratorium to allow additional time to develop and implement potential regulations and zoning changes.

(d) Enforcement

Any person, corporation, or other entity found to be in violation of this Ordinance shall be guilty of a misdemeanor. The City may enforce this Ordinance by mandamus, injunction, or other appropriate criminal or civil remedy in any court of competent jurisdiction.

(e) Term

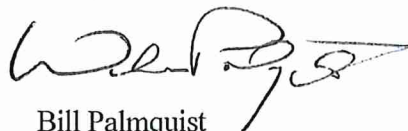
Unless earlier rescinded by action of the City Council, the moratorium established by this Ordinance shall remain in full force and effect until April 17, 2024. The moratorium may be further extended as provided in Minn. Stat. §462.355, subd. 4(d).

SECTION 2. EFFECTIVE DATE.

This Ordinance shall be in full force and effect upon passage by the City Council.

Adopted this 19th day of December, 2023, by the City of Afton City Council.

CITY OF AFTON



Bill Palmquist  
Mayor

Attest:



Ron Moore  
City  
Administrator