

**ORDINANCE NO. 2023-496**

**Motion By:** Schultz  
**Seconded By:** Nichols

**CREATING AND ADOPTING CHAPTER 119: CANNABIS, EDIBLE CANNABINOIDS,  
AND DRUG PARAPHERNALIA**

**THE CITY OF CORCORAN ORDAINS:**

**SECTION 1.** Amendment of the City Code. The text of Title XI Business Regulations of the Corcoran City Code is hereby amended by adding the material as follows:

**CHAPTER 119: CANNABIS, EDIBLE CANNABINOIDS, AND DRUG PARAPHERNALIA**

**119.01: PURPOSE.**

In 2022, the Minnesota Legislature adopted M.S. § 151.72, making it legal to sell certain edibles and beverages infused with tetrahydrocannabinol (THC), the cannabis ingredient extracted from hemp. In 2023, the Minnesota Legislature approved 2023 Session Law Ch. 63, expanding both the legalization of types of THC and cannabis products and also the types of THC and Cannabis businesses permitted, and further making certain amendments to existing law related to the possession of drug paraphernalia. The City Council deems it necessary to provide for the regulation of these products in order to protect the public health safety and welfare and to ensure that the products are sold in accordance with State Law.

**119.02: PUBLIC USE OF CANNABIS PROHIBITED**

It is unlawful for any person to use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products as each is defined by state law, in a public place within the City of Corcoran. For the purposes of this Section, “public place” shall not include:

- (a) A private residence, including the curtilage or yard of the same;
- (b) Private property not generally accessible by the public, unless the person is explicitly prohibited from consuming cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or
- (c) The premises of an establishment or event licensed to permit on-site consumption, provided the use complies with the on-site consumption permitted.

Any violation of this Section shall be a petty misdemeanor.

**119.03: LIMITATIONS ON THE SALE OF EDIBLE CANNABINOID PRODUCTS**

Edible Cannabinoid Products, as defined by M.S. § 151.72, which contain no more than 0.3% Tetrahydrocannabinol (commonly known as “THC”), may only be sold by businesses which are registered with the City and the State of Minnesota and licensed, when required by state law. To be eligible to register to sell edible cannabinoid products within the City, an applicant must comply with all of the following:

- (a) Pay the applicable registration fee to the City; and
- (b) Comply with all state and local registration and state licensing requirements; and

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- (c) Locate the principal place of business which will conduct the sales within the CR (Rural Commercial), ~~C-1 (Neighborhood Commercial)~~, or C-2 (Community Commercial) zoning districts and, at the time of the application, no more than ~~two~~one other business which do not qualify as a “Cannabis Business” pursuant to M.S. Chapter 342 are currently registered or licensed to sell edible cannabinoid products within the City; and
- (d) Locate the principal place of business which will conduct the sales no closer than 500 feet from:
  - 1. Any attraction within a public park that is regularly used by minors, including a playground or athletic field; and
  - 2. A day care; and
  - 3. A school; and
- (e) The sale of edible cannabinoid products outside of the listed zoning districts, or in excess of the applicable registration limitations set forth in §119.03(c), or inside of the required distances set forth in §119.03(d), is prohibited. For the purposes of calculating the distance contemplated by §119.03(d), the measurement shall be taken from the closest side of the principal place of business which will conduct the sales to the closest side of the applicable attraction, day care, or school.

The City specifically intends that the requirements of these §119.03(c) through (e) be considered local zoning requirements or regulations for the purposes of compliance with M.S. Chapter 342. Any person or principal of any business found to be engaging in unlawful commercial activity in violation of this Section shall be guilty of a misdemeanor.

**119.04: POSSESSION OF DRUG PARAPHERNALIA PROHIBITED**

It is unlawful for any person knowingly or intentionally to use or possess drug paraphernalia. For the purposes of this Section, drug paraphernalia is defined as all equipment, products, and materials of any kind, except those used in conjunction with permitted uses of controlled substances pursuant to state law, which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products, or (3) enhancing the effect of a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products.

“Drug paraphernalia” does not include the possession, manufacture, delivery, or sale of: (1) hypodermic syringes or needles or any instrument or implement which can be adapted for subcutaneous injections; or (2) products that detect the presence of fentanyl or a fentanyl analog in a controlled substance.

Any violation of this Section shall be a petty misdemeanor.

**119.05 UNDERAGE POSSESSION OF CANNABIS PRODUCTS PROHIBITED**

No person under the age of 21 years of age may use, possess, or transport cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.

Persons exempted by MN Statute 342.09 subd. 1(c), as it may be amended from time to time, shall

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be exempted from compliance with this Section. Further, persons conducting compliance checks under the direction and supervision of law enforcement are exempt. Any violation of this Section shall be a petty misdemeanor.

**119.99: SEVERABILITY AND SAVING CLAUSE**

If any section or portion of this chapter shall be found, by a court of competent jurisdiction, to be unconstitutional or out of compliance with or preempted by state law, the unconstitutional, non-compliant or preempted portions shall be deemed stricken exclusively to the extent of the non-compliance or preemption and the remainder of this chapter shall remain in full force and effect.

**SECTION 2. Effective Date**

This Ordinance shall be in full force and effect upon its adoption.

**ADOPTED** by the City Council on the 24<sup>th</sup> day August 2023.

**VOTING AYE**

- McKee, Tom
- Bottema, Jon
- Nichols, Jeremy
- Schultz, Alan
- Vehrenkamp, Dean

**VOTING NAY**

- McKee, Tom
- Bottema, Jon
- Nichols, Jeremy
- Schultz, Alan
- Vehrenkamp, Dean

  
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Tom McKee - Mayor

**ATTEST:**

  
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Michelle Friedrich – City Clerk

*City Seal*