

PUBLISHED NOVEMBER 13, 2014

OFFICIAL PROCEEDINGS

Excerpt from the minutes of the Duluth City Council meeting held on Monday, November 10, 2014, at 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

ORDINANCE NO. 10333

AN INTERIM ORDINANCE PURSUANT TO MINN. STAT. § 462.355, SUBD. 4, IMPOSING A MORATORIUM ON MEDICAL CANNABIS MANUFACTURING AND DISTRIBUTION FACILITIES PENDING COMPLETION OF A PLANNING STUDY WEIGHING THE NEED FOR ANY AMENDMENT TO OFFICIAL CONTROLS.

The city of Duluth does ordain:

Section 1. Statement of legislative intent.

The council of the city of Duluth finds that it is necessary to temporarily preserve the status quo regarding the city's regulation of land uses through its zoning ordinances codified in Chapter 50 of the Legislative Code following passage of 2014 Minnesota Session Laws Chapter 311, §§ 1-22 (the "act"), Minnesota's first law regulating the use, manufacturing, and distribution of medical cannabis, pending completion of a planning study considering the need for any additions or amendments to the city's official controls.

The council finds that the city has been approached by entities interested in operating medical cannabis manufacturing or distribution facilities within its jurisdiction.

The council finds that the medical cannabis manufacturing facilities authorized by the act will conduct all medical cannabis cultivation, harvesting, manufacturing, packaging and processing at one location, and may also, at the manufacturer's discretion, operate a medical cannabis distribution facility at the same location.

The council finds that medical cannabis manufacturing and distribution facilities represent new land uses that are not presently regulated by the city's official controls and have never previously been studied by city staff for purposes of determining whether amendments or additions to the city's official controls may be necessary to protect the health, safety or welfare of city residents.

Accordingly, the council finds that an interim ordinance proscribing new medical cannabis manufacturing and distribution facilities within the boundaries of the city for a period of six months, not to exceed 12 months, is necessary to protect the planning process and to guard the health, safety and welfare of the city's residents.

Notwithstanding the normal time periods for interim ordinances allowed under Minn. Stat. §462.355, subd. 4, it is the sense of the council, and the intent of the administration and city planning staff, that the city work to complete the planning study and proposals for any additions or amendments to official controls deemed necessary as a result of the study within six months from the effective date of this ordinance.

Section 2. Moratorium imposed.

The city of Duluth hereby imposes on any parcel of land, lot, or part thereof within the boundaries of the city a prohibition on the construction or operation of any medical cannabis manufacturing or distribution facilities, as defined in 2014 Minn. Session Laws Chapter 311, §§ 1-22, pending completion of the planning study and any related zoning enactments described in Section 1. This moratorium shall be effective until the expiration of six months - not to exceed 12 months - following the effective date of its enactment, or until such earlier time as the council may have taken action to amend its official controls as a result of the planning study described in Section 1.

Section 3. Extension of moratorium.

The council may, by resolution, and pursuant to the requirements of Minn. Stat. § 466.355, subd. 4, extend the moratorium for an additional period of time, but in no event may the moratorium extend beyond 18 months from the effective date of this ordinance by operation of state law.

Section 4. That this ordinance shall take effect 30 days after its passage and publication.
(Effective date: December 13, 2014)

Councilor Russ moved passage of the ordinance and the same was adopted upon the following vote:

Yeas: Councilors Filipovich, Hanson, Julsrud, Krug, Russ and President Larson -- 6

Nays: Councilors Fosle, Gardner and Sipress -- 3

ATTEST:
JEFFREY J. COX, City Clerk

Passed November 10, 2014
Approved November 10, 2014
DON NESS, Mayor