

**CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING REGULATIONS FOR
TEMPORARY CANNABIS EVENTS**

WHEREAS, the City of Foley (the “City”) is tasked with carrying out certain functions for the licensing of cannabis businesses and cannabis events, as required under Minn. Stat. § 342; and

WHEREAS, Minn. Stat. § 342.40 requires a local unit of government to permit temporary cannabis events, which are events lasting no more than four (4) days; and

WHEREAS, the City may adopt reasonable criteria that temporary cannabis event organizers must follow to ensure the safety of participants and City residents; and

WHEREAS, the City desires to adopt such criteria, which will mirror the temporary cannabis event criteria adopted by Benton County, Minnesota, to ensure consistency in enforcement.

NOW, THEREFORE, the Foley City Council hereby ordains:

Section 1. The following language shall be added to Chapter 5, as Section 560 – Temporary Cannabis Events:

Section 560:00. Purpose. The Purpose of this ordinance is to regulate and properly permit temporary cannabis events, as allowed by Minn. Stat. § 342.40.

Section 560:01. Definitions. Whenever the following terms appear in this ordinance, they shall have the meanings assigned to them in this section:

Subd. 1. *City.* The “City” shall mean the City of Foley.

Subd. 2. *Temporary Cannabis Event.* “Temporary Cannabis Event” shall be an event licensed under Minn. Stat. § 342.39, or its successor statute, lasting no more than four (4) days.

Section 560:02. License or Permit Required for Temporary Cannabis Events

Subd. 1. License Required.

A permit is required to be issued and approved by City prior to holding a Temporary Cannabis Event, “Event.” Additional permits and licenses may be required by law from other City Departments or Offices.

Subd. 2. Registration & Application Procedure.

A permit application fee, as established in City’s fee schedule, shall be charged to applicants for Temporary Cannabis Events.

Subd. 3. Application Submittal & Review.

A) The City shall require an application for Temporary Cannabis Events Permit.

1. An applicant for an Event permit shall fill out an application form, as provided by the City. Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant;
- ii. Address, email address, and telephone number of the owner and applicant;
- iii. The address and legal description of all property upon which the Event is to be held;
- iv. The applicant shall provide proof of ownership of all property upon which the Event is to be held or provide a notarized statement made upon oath or affirmation by the owner(s) of record of all such property that the applicant has permission to use such property for the purpose of holding an Event;
- v. The application shall be signed by both the applicant or applicants and the property owner(s) of record.
- vi. the plans for providing toilet and lavatory facilities including the number, location, type, and means of disposing of waste deposited;
- vii. the plans for holding, collection, and disposing of solid waste material;
- viii. the plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of medical personnel;
- ix. the plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots;
- x. the plans for security including the number of licensed security personnel, their deployment at the event site, and the staffing levels of licensed security present during the hours of the event operation. If the event hires individuals as employees or independent contractors to provide security, the applicant must provide their names, addresses, and credentials. If the event obtains licensed security personnel from a security contractor, the applicant must provide the name, address, and telephone number for the contractor and the name and telephone number of the person supervising these licensed security personnel;
- xi. the plans for area traffic control for egress from and exit onto public roads or highways;
- xii. a scale diagram depicting the location of the facilities listed in this section.
- xiii. A copy of the Cannabis Event Organizer State License.

B) The permit applicant shall include with the form:

- i. the permit application fee as required in the City's fee schedule; and

- ii. a copy of the OCM cannabis event organizer license application, submitted pursuant to 342.39 subd. 2.

C) A complete application for an Event permit shall be made in writing to the City Council at least 60 days in advance of such event. The application shall be made on forms provided by the City. Upon receipt of the complete application, the City Administrator shall inform the applicant that the application is complete, process the application fee, and shall review the application, with consultation from staff and consultants. If an applicant foresees issues with the application process, applicant is encouraged to submit the application far in advance of the 60 days for processing. If an incomplete application is submitted, it will be returned to the applicant within 10 business days. It is the applicant's responsibility to submit a timely and complete application.

D) The permit application fee shall be non-refundable once processed.

E) The Event permit application shall meet the following standards:

- i. No permit shall be granted to any person for whom any taxes, assessments or other financial claims of the City are delinquent and unpaid, nor shall any permit be granted for an Event held on any premises on which taxes, assessments or other financial claims of the City are delinquent and unpaid.
- ii. No permit shall be granted for an event that does not comply with this Ordinance.
- iii. City staff will inspect the Event 24 hours prior to the event to confirm the applicant's compliance with the applicant's submitted written plan. If the event is not set up in conformance or the requirements of the law are not met, the City Administrator will suspend the permit and submit the matter to the City Council.
- iv. The permit may be revoked by the City Council at any time after notice and opportunity to be heard is provided to the permittee, contact person or property owner if;
 - a. Any of the conditions necessary for the issuing of or contained in the permit are not complied with, or if any conditions previously met ceases to be complied with; or
 - b. Any condition previously met ceases to be complied with; or
 - c. Any other provision of this ordinance is violated; or
 - d. Any of the information supplied in the application for license or accompanying documentation is false or misleading.

If the City Council finds that the permittee or the permittee's agents knowingly violated the terms and conditions upon which a license was granted, the City Council shall have the authority to impose a revocation period of up to 3 years upon

the permittee. During this revocation period, the permittee shall be ineligible to obtain an Event permit under this ordinance.

If during the course of the Event for which a permit has been granted hereunder it appears in the judgement of the Foley Police Department that there exists an imminent danger of the outbreak of violence, riot or other calamity, or if there are threats or acts of terrorism, threatening the physical health or safety of those in attendance at the assembly, or residents of the community in which the assembly is held, the Police Chief shall be empowered to take whatever action they deem necessary. Any such suspension by the Police Chief shall be effective immediately and a hearing thereon shall be held before the City Council at the earliest opportunity. In the event the City Council deems such suspension improper, the permit shall be reinstated, or the permit application fee refunded, whichever action the licensee requests.

F) A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.

G) A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The City shall notify the applicant of the standards not met and basis for denial.

H) Temporary cannabis events shall not be held at public parks or located within residential districts within the City.

I) Temporary cannabis events shall only be held between the hours of 10 a.m. and 10 p.m.

Subd. 4. Operation

A) No tobacco or alcohol shall be allowed at the Event.

B) No camping is allowed at the Event.

C) Retailers shall remove the cannabis product, cannabis concentrate, immature cannabis plants and seedlings, cannabis flower, lower-potency hemp edibles, hemp derived consumer products, and other products authorized by law to a consumer and not for the purpose of resale in any form each day after the close of the Event for the day.

D) The permittee and permittee's agents shall maintain the assembly premises and facilities in a clean, orderly and sanitary condition at all times. The permittee shall

be responsible for leaving the premises in a clean, orderly and sanitary condition after the conclusion of the Event.

E) No animals shall be permitted on any grounds or facilities except for service animals as provided in Minn. Stat. Ch. 363A. and police dogs under the supervision of licensed peace officers while on duty.

F) No fires of any kind shall be permitted on the premises or facilities.

G) The Event site shall be enclosed by a fence or barrier (sufficient to prevent ingress or egress except at established gates) completely enclosing the proposed location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the Event grounds, which shall have sufficient entrances and exits to allow easy movement into and out of the Event grounds and provide traffic control onto established public road systems.

H) No onsite consumption is allowed.

I) Potable water, meeting all federal and state requirements for sanitary quality, sufficient to provide drinking water for the maximum number of people to be gathered at the rate of at least one gallon per person per day.

J) The site shall contain no less than four separate enclosed toilets meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be gathered, in accordance with the Minnesota State Board of Health Regulations and Standards. At least two toilets shall be handicap accessible. Based on attendance estimates, the City may require additional facilities.

K) The applicant shall maintain the premises in a neat and orderly manner and shall provide a sanitary method of disposing of solid waste which shall comply with all applicable ordinances and statutes. The method of disposal shall be designed to be of sufficient size to contain the solid waste production of the maximum number of people to be gathered. The applicant shall submit a written plan to the City for holding, collecting, and removal of all such waste by a licensed hauler at least once each day of the Event, and sufficient trash containers and personnel to perform these tasks. The City shall retain the right to increase the Permitted Premises' solid waste disposal capacity requirement as deemed appropriate. In addition, the applicant shall provide recycling containers for recyclable materials that may be generated at the event.

L) The applicant shall provide emergency medical services throughout the hours of the event. A written emergency medical plan is required to address emergency or significant medical problems. The plan should include the name of the health

service provider, licensing information and the number of facilities with a listing of emergency equipment on site. Local hospitals and ambulance services shall be notified of the event in writing at least 30 days in advance with the number of estimated attendees. At a minimum, the site shall contain a covered structure, which may include a tent or trailer, attended by at least one medical personnel. The tent shall be heated and/or air conditioned. The tent shall have at least one defibrillator. The medical services plan shall be reviewed by City, and the applicant shall amend the medical services plan in accordance with the City Administrator's recommendations.

M) A free off-road parking area sufficient to provide parking space for the maximum number of people to be gathered at the rate of at least one parking space for every four persons shall be available at the site.

N) If a roadway will be used for more than ingress or egress to the Event and there will be an anticipated disruption in traffic which may include a partial closure or full closure of a public right-of-way, applicant will be required to obtain permission from the proper right-of-way authority for use of the public right of way in accordance to Minnesota Statutes and regulations and ordinances. Applicant will be required to submit to the City Council a resolution adopted by the proper right-of-way authority or, when required, a permit from the proper right-of-way authority.

O) All security personnel hired or contracted for shall be at least 21 years of age and present on the licensed event premises at all times that cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products are available for sale or consumption of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products is allowed. The security personnel shall not consume cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products for at least 24 hours before the event or during the event.

P) Security and traffic controls which will meet the requirements of local authorities and the Minnesota Department of Public Safety. Such controls shall be approved by the Foley Police Department.

Q) An applicant may be required to increase the amount of licensed security personnel if the Police Chief recommends an increase in personnel.

R) Telephone service shall be available to medical and security personnel at the Event site to enable these persons to contact the appropriate authorities in case of an emergency.

S) The licensee shall provide fire alarms, extinguishing devices and fire lanes sufficient to meet all applicable state and local regulations which are in effect or may be set forth by the City; and sufficient emergency personnel to efficiently operate the required equipment will be provided by the sponsor (compliance will be determined by the Foley Fire Department fire chief). Applicant shall notify the fire chief of the Event 30 days prior to the event;

T) All food service must comply with the requirements of the Minnesota Department of Health, law, rules, regulations, and ordinances as amended from time to time. At the time of inspection, a list of special event food and beverage stands operated in compliance with the Minnesota Food Code, as evidenced by a current license by the Minnesota Department of Health and liquor license shall be provided to City Staff;

U) At the time of inspection, a list of vendors who will be allowed to sell their products at the Event or who will be anticipated to participate at the Event and a description of those products shall be provided to City Staff;

V) All Event facilities, sanitary facilities, medical facilities, parking areas, fences and required safety equipment must be in place and ready for inspection at least 24 hours prior to the scheduled commencement of the Event. The site and facilities must be inspected by representatives of the City, Police Department, and Public Works Department prior to the commencement of the Event to insure that all requirements of this ordinance are complied with.

W) The Event site and facilities shall at all times be maintained in accordance with the permit provisions.

X) Any and all signs placed or erected in connection with the Event shall comply with the requirements of the City Code and other applicable law.

Y) All premises for which a permit has been granted shall at all times be open to inspection by the City to ensure compliance with the terms and conditions of any permit issued under this Ordinance. It is unlawful for any permittee, or any agent or employee to hinder or prevent any inspection.

Z) Applicant shall maintain adequate records verifying compliance with the requirements of this ordinance and shall make the records available for inspection upon request by City staff or representatives.

SECTION 2:

This ordinance becomes effective from and after its passage and publication.

SECTION 3:

Upon approval by at least 4/5th of all of the members of the City Council, the Council determines that the following summary clearly informs the public of the intent and effect of this ordinance and authorizes the publication of the summary in place of the entire text thereof:

AN ORDINANCE ADOPTING REGULATIONS FOR TEMPORARY CANNABIS EVENTS.

The City of Foley adopted licensing and performance criteria for Temporary Cannabis Events. A copy of the ordinance is available at City and the Foley Library during regular business hours.

Passed and adopted by the Foley City Council on _____, 2024.

Jack Brosh, Mayor

ATTEST:

Sarah Brunn, City Administrator