

ORDINANCE 224
AN ORDINANCE REGULATING THE SALE OF EDIBLE CANNABINOID PRODUCTS IN THE CITY OF
BIRD ISLAND

The City Council of the City of Bird Island hereby ordains as follows:

Section 1. STATE LAW ADOPTED. Except as further restricted or regulated by this Ordinance, the provisions of Minn. Stat. 151.72 relating to the definition of terms, licensing, and all other matters pertaining to the retail sale, distribution and consumption of cannabinoid products are adopted and made a part of this chapter as if set out in full. Whenever there is an inconsistency between the provisions of Minn. Stat. 151.72, as amended, and the provisions of this section, the more restrictive provision shall govern.

Section 2. DEFINITIONS. For the purposes of this Ordinance, the following terms shall have the meanings ascribed to them in this section:

Edible cannabinoid product shall have the meaning given in Minn. Stat. 151.72, subd. 1(c).

Section 3. REGULATIONS. No person or entity may sell an edible cannabinoid product in the City of Bird Island except as follows:


- a. Written notice of the identity of the person or entity conducting the sale of the product(s) and the permanent location of the place of business at which such sales may be made shall first be provided to the City Administrator.
- b. Sales may only be made to individuals who are 21 years of age or older.
- c. The manner of sale shall be such that the customer does not have access to the edible intoxicating cannabinoid product(s) without having to request the item from the person or entity making the sale or an employee thereof and engaging in a physical exchange of the edible cannabinoid product(s) between the person or entity making the sale or an employee thereof and the customer.
- d. No sale shall be made from a moveable place of business. Only fixed-location businesses may engage in the sale of an edible cannabinoid product.
- e. The sale of these products may only happen in B-1 or B-2 Zoning Districts.

Section 4. PENALTY. Any person engaging in the public sale or distribution of edible cannabinoid products in violation of the regulations established in this Ordinance shall be guilty of a misdemeanor.

Section 5. EXCEPTIONS AND DEFENSES. Nothing in this Ordinance shall prevent the providing of edible cannabinoid products to a person under the age of 21 as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this Ordinance for a person to have reasonably relied on proof of age as described by State Law in Minn. Stat. 340A, subd. 6.

Section 6. EFFECTIVE DATE. This Ordinance becomes effective upon its passage and publication according to law.

Passed by the City Council of Bird Island this 9th day of January, 2023.



Mayor Julie Sander

ATTEST:



Administrator Tracey Ahl