

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

ORDINANCE 26-

**AN ORDINANCE AMENDING CHAPTER 115 OF THE WEST ST. PAUL CITY CODE
REGARDING REGISTRATION OF CANNABIS RETAILERS**

WHEREAS, in response to the State Legislature’s adoption of Chapter 342 of the Minnesota Statutes, which legalized and regulated Cannabis, including state licensing of cannabis retailers, the City of West St. Paul adopted Ordinance 24-011 and 25-16 to regulate retail sales of cannabis products in the city; and

WHEREAS, the Office of Cannabis Management (“OCM”), the state agency created to license cannabis businesses, adopted administrative rules implementing Chapter 342 of the Minnesota Statutes, including process related to tribal cannabis retailers; and

WHEREAS, based on guidance from the administrative rules, staff is proposing changes to City Code Section 115.04; and

WHEREAS, these changes better align city code with state law and meet existing and foreseeable needs related to local registrations of cannabis business retailers.

NOW THEREFORE, the City of West Saint Paul does ordain the following amendments to Chapter 115 with additions being underscored and deletions being stricken-out:

SECTION 1. AMENDMENT. West St. Paul City Code Section 115.04 is hereby amended as follows:

§ 115.04 REGISTRATION REQUIRED.

- (A) *General rule regarding cannabis retail businesses.* No person or retail establishment may sell adult-use cannabis products without first having a current, valid license from OCM as either a cannabis retailer; a cannabis microbusiness, with a retail endorsement or selling product at retail; a cannabis mezzobusiness, with a retail endorsement or selling product at retail; or a medical cannabis combination business, selling product at retail and registering with the city as a cannabis retail business.
- (B) *Application.* An applicant for a registration shall fill out an application form as provided by the city which shall include:
 - (1) *All applicants.*
 - (a) Full name of the property owner and applicant;
 - (b) The address and parcel ID for the property which the registration is sought;

- (c) If the applicant does not own the business premises, a true and complete copy of the executed lease for the premises, if applicable;
 - (d) Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. § 342.13, as it may be amended from time to time;
 - (e) A copy of a valid state license or written notice of OCM license, if approved but not yet issued;
 - (f) The name of the business, if it is to be conducted under a designation, name or style other than the name of the applicant and a certified copy of the certificate as required by Minn. Stat. § 333.01, as it may be amended from time to time;
 - (g) Whether all real estate and personal property taxes that are due and payable for the premises have been paid and, if not paid, the years and amounts that are unpaid;
 - (h) A written declaration by the applicant, under penalty of perjury, that the information contained in the application is true. If the applicant is a corporation, an officer must sign the written declaration. If the applicant is a partnership, a general partner must sign the written declaration. If the applicant is an unincorporated association, the manager or managing officer must sign the written declaration; and
 - (i) Other information that the city may require but is not otherwise prohibited under Minn. Stat. §§ 342.10 through 342.118, as they may be amended from time to time.
- (2) *Natural persons.* In addition to division (B)(1) above, natural person applicants must also provide:
- (a) Address, email address, telephone number, and date of birth of the applicant;
 - (b) Street resident addresses of where the applicant has lived during the past five years and telephone numbers and dates for which such addresses and phone numbers were used;
 - (c) Whether the applicant has ever been known by a name other than the applicant's name and, if so, the name or names used, including maiden names, and information concerning dates and places used;
 - (d) The type, name, and location of every business or occupation in which the applicant has been engaged during the preceding five years and the names or addresses of the applicant's employers and partners, if any, for the preceding five years, and corresponding dates of employment;
 - (e) A physical description of the applicant; and
 - (f) If the applicant does not manage the business, the name of the managers or other persons in charge of the business and all information concerning each of them pursuant to above divisions (B)(2)(a) through (B)(2)(e).

(3) *Partnership*. If the applicant is a partnership, the applicant may be required to provide the following information:

- (a) The names and addresses of all general and limited partners and all information concerning each general partner pursuant to divisions (B)(2)(a) through (B)(2)(e) above;
- (b) The names of the managing partners and the interest of each partner in the licensed business;
- (c) A copy of the partnership agreement. If the partnership is required to file a certificate as to a trade name pursuant to Minn. Stat. § 333.01, as it may be amended from time to time, a certified copy of the certificate must be attached to the application;
- (d) The applicant's federal tax identification number and state employer identification number; and
- (e) If the applicant does not manage the business, the name of the managers or other persons in charge of the business and all information concerning each of them pursuant to divisions (B)(2)(a) through (B)(2)(e) above.

(4) *Corporation*. If the applicant is a corporation or other organization, the applicant may be required to provide the following information:

- (a) The name of the corporation or business and the state of incorporation;
- (b) A copy of the articles of incorporation or association agreement and bylaws. If the applicant is a foreign corporation, a certificate of authority as required by Minn. Stat. § 303.06, as it may be amended from time to time, must be attached;
- (c) The applicant's federal tax identification number and state employer identification number;
- (d) The name of the managers or other persons in charge of the business and all information concerning each manager, proprietor or agent pursuant to divisions (B)(2)(a) through (B)(2)(e) above; and
- (e) A list of all persons who control or own an interest in excess of 5% in the organization or business or who are officers of the corporation or business and all information concerning the persons pursuant to divisions (B)(2)(a) through (B)(2)(e) above. This provision, however, does not apply to a corporation whose stock is publicly traded on a stock exchange and the corporation is applying for a license to be owned and operated by itself.

(C) *Registration fee*. For cannabis retail business registrations, the applicant shall submit the registration fee pursuant to city fee schedule and consistent with Minn. Stat. § 342.11, as it may be amended from time to time. The city shall not charge an application fee. A medical combination business operating an adult-use cannabis retail business location may only be charged a single registration fee. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee. The registration fee is non-refundable once

processed. For cannabis businesses as that term is defined herein and in state law, other than cannabis retail businesses or those cannabis businesses with a retail endorsement, no registration fee is required but those businesses still must comply with state law, city code, including applicable Building and Fire Code, and city Zoning Code.

- (D) *Registration term.* The term of an adult-use cannabis retail business registration shall be for the same term as the OCM-approved term. Registration fees will not be prorated.
- (E) *Non-transferability.* Other than state-approved transfers of ownership required by Minn. Stat. § 342.12, as it may be amended from time to time, a registration is non-transferable. All registrations issued under this section are valid only on the premises for which the registration was issued. The transfer of any registration to another location is prohibited. If there is a change in the ownership of the license holder pursuant to Minn. Stat. § 342.12, as it may be amended from time to time, the license holder must notify the city of the change, along with submitting a copy of the newly transferred state-issued license so that the city can update the registration.
- (F) *Instructional program for cannabis retail businesses.* No person shall be issued a registration or renewal registration as a cannabis retail business unless an applicant has a program for instructing all employees regarding the legal requirements pertaining to the sale of registered products at the retail establishment for which the registration was issued. The instructional program shall include, but is not limited to, reviewing the law on the sale of registered products, requiring employees to request identification from every customer who is under 27 years of age, providing information that the sale of registered products to anyone under 21 is illegal, explaining what kind of proof of age is legally acceptable, and that a sale to a person below the legal sales age can subject the applicant and its employees to criminal and/or civil liability.
- (G) *Age verification device and digital security video at cannabis retail businesses.* All cannabis retail business registration holders shall be required to install or possess age verification devices and digital security video at the registered location. The Police Department shall confirm that the devices have been installed prior to approval of the registration.
- (H) *Moveable place of business.* No cannabis retail business registration shall be issued to a movable place of business. Only fixed retail establishment locations shall be eligible to be registered under this section.
- (I) *Signage.* Notice of the legal sales age and age verification requirements must be posted at each location where registered products are offered for sale. The required signage, which shall be provided to the applicant by the city, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase. On-site signs advertising the business must comply with the city's sign code.
- (J) *Zoning and city code compliance.*
 - (1) *Registration.* No registration shall be granted until all applicable code requirements and zoning requirements are met or until all conditions for approval of the use have

been satisfied. Upon receipt of an application for a license from the state, the city shall respond to the OCM within 30 days if the application or the location listed in the application violates city code, including Building or Fire Code, or zoning requirements.

(2) *Hours of operation.* Cannabis business retailers hours are limited to the same hours of operation as liquor stores in the city.

(K) *Limit on cannabis retail businesses.* The city shall limit the number of cannabis retail business in the city to two at any one time. In the event that an applicant provides verification of preliminary approval by the OCM or the city receives notice for certification of an applicant from the OCM, and the granting of the additional application would create more than two registered cannabis business retailers in the city, the city shall respond to the OCM within 30 days or before, that the applicant does not comply with city code and recommend denial by the OCM.

(1) *Tribal cannabis retailer.* A cannabis retailer operating under a tribal compact or a tribally issued license or registration (“tribal cannabis retailer”) ~~must~~ **is not required to** register with the city. The tribal cannabis retailer registration will ~~not~~ count toward the number of available city registrations. Tribal cannabis retailers must comply with any and all regulations on tribal cannabis retail locations set forth in state law or under a tribal compact or a tribally issued license or registration.

~~(K)~~(2) *Medical cannabis combination business.* A medical cannabis combination businesses selling product at a retail establishment must register with the city, but the medical cannabis combination business registration will not count towards the city’s limit on number of registrations.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statute Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

This ordinance clarifies the existing ordinance by adding title headers, it also changes the city code to include tribal cannabis retailers toward the city’s limit on the number of allowable registrations for cannabis retail businesses.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul Minnesota this 13th day of April 2026.

Attest:

David J. Napier, Mayor

Daniel Nowicki, Assistant City Manager