

TO: MAYOR AND CITY COUNCIL

FROM: Neil Jensen, City Administrator

SUBJECT: Interim Ordinance Establishing Moratorium on Applications for Construction and Development of Residential Treatment Facilities

MEETING DATE: April 18, 2023

BACKGROUND

After review of City Code staff has become aware of regulatory issues and shortcomings for Residential Treatment Facilities. Staff feels it best to study the impact of the facilities, and whether the city can accommodate additional facilities within the city. The City Council should explore and review the current code for ordinance and other regulations changes.

Please find in your packet Ordinance #393 Establishing a Moratorium within the City on Land Use and Subdivision Applications for the Construction and Development of Residential Treatment Facilities.

STAFF RECOMMENDATION

If the City Council feels that a discussion about future Residential Treatment Facilities in the City of Cannon Falls is warranted, please approve Ordinance #393.

REQUESTED COUNCIL ACTION

Please make a motion to approve Ordinance #393 Interim Ordinance Establishing a Moratorium Within the City on Land Use and Subdivision Applications for the Construction and Development of Residential Treatment Facilities.

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

ORDINANCE NUMBER 393

**AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM WITHIN THE
CITY ON LAND USE AND SUBDIVISION APPLICATIONS FOR THE
CONSTRUCTION AND DEVELOPMENT OF
RESIDENTIAL TREATMENT FACILITIES**

THE CITY OF CANNON FALLS ORDAINS AS FOLLOWS:

SECTION 1. MORATORIUM

(a) Preamble

The City of Cannon Falls (“City”) has become aware of regulatory issues and possible shortcomings within the City Code relating to the provisions governing construction and development of residential treatment facilities within the City.

The City Council finds it necessary for the City to take time to study and consider (1) the impact of residential treatment facilities on other uses and the public health, safety and welfare; (2) whether existing infrastructure and public services can accommodate additional residential treatment facilities within the City; (3) potential local regulations governing residential treatment facilities including land use permits and other measures to insure compliance with state laws and protect the public health, safety and welfare of City residents; and (4) whether zoning ordinance changes and other regulations governing residential treatment facilities in the City may be required.

Upon completion of the foregoing studies, the City will consider the need and options for amendments to the City Code to regulate residential treatment facilities.

(b) Moratorium Established; Scope

- (1) In accordance with the above and pursuant to authority granted by Minn. Stat. § 462.355, subd. 4, the City hereby establishes a moratorium on the receipt, processing, or approval of land use applications and subdivision requests that propose to use any property in the City to operate a residential treatment facility while the study and implementation of potential regulations and zoning changes is ongoing.
- (2) For purposes of this moratorium, a “residential treatment facility” includes any facility that offers or provides care, treatment or other

services for substance use disorders, mental illness, or other behavioral issues, regardless of how patients pay for such services or whether such services are provided on an outpatient or inpatient basis.

(c) Enforcement

Any person, corporation, or other entity found to be in violation of this Ordinance shall be guilty of a misdemeanor. The City may enforce this Ordinance by mandamus, injunction, or other appropriate criminal or civil remedy in any court of competent jurisdiction.

(d) Term

Unless earlier rescinded by action of the City Council, the moratorium established by this Ordinance shall remain in full force and effect until _____. The moratorium may be extended as provided in Minn. Stat. § 462.355, subd. 4(d).

SECTION 2. EFFECTIVE DATE.

This ordinance shall become effective upon its passage and publication.

PASSED AND ADOPTED by the City Council of the City of Cannon Falls, Minnesota, this _____ day of _____, 2023.

Matt Montgomery, Mayor

ATTEST:

Neil L. Jensen, City Administrator