

## **SECTION 27 CANNABIS ORIENTED BUSINESS AND LAND USE ORDINANCE**

### **27.01 Title**

The title of this ordinance is the Lac qui Parle County Cannabis Oriented Business and Land Use Ordinance and will be referred to herein as "this ordinance."

### **27.02 Administration**

#### **1. Findings and Purpose**

Lac qui Parle County makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of the Minnesota Statutes, chapter 342, as amended from time to time, which authorizes Lac qui Parle County to protect the public health, safety, welfare of Lac qui Parle County residents by regulating cannabis businesses within the legal boundaries of Lac qui Parle County.

Lac qui Parle County finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Lac qui Parle County, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

#### **2. Authority and Jurisdiction**

Lac qui Parle County has the authority to adopt this ordinance pursuant to:

- A. Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
- B. Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- C. Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- D. Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

Ordinance shall be applicable to the legal boundaries of Lac qui Parle County.

The cities of Bellingham, Boyd, Dawson, Louisburg, Madison, Marietta and Nassau have delegated cannabis retail registration authority to Lac qui Parle County. However, these cities may adopt ordinances under sections 27.03(6), 27.04 and 27.05, if Lac qui Parle County has not adopted conflicting provisions.

### **3. Severability**

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

### **4. Enforcement**

The Lac qui Parle County Board of Commissioners, or its designee, shall be responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law and/or may be subject to civil penalty as established by the County Board. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity in this ordinance.

### **5. Definitions**

Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.

**Cannabis Cultivation:** A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by office

**Cannabis Retail Business:** A retail location and the retail location(s) of mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers

**Cannabis Retailer:** Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form

**Daycare:** A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day

**Lower-potency Hemp Edible:** As defined under Minn. State. 342.01 subd. 50

**Office of Cannabis Management:** Minnesota Office of Cannabis Management, referred to as "OCM"

**Place of Public Accommodation:** A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public

**Preliminary License Approval:** OCM pre-approved for a cannabis business license for applicants who qualify under Minn. Stat. 342.17

**Public Place:** A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants, bars; any other food or liquor establishment; hospitals, nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation

**Residential Treatment Facility:** As defined under Minn. Stat. 245.462 subd. 23

**Retail Registration:** An approved registration issued by Lac qui Parle County to a state licensed cannabis retail business

**School:** A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24

**State License:** An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business

## **27.03 Registration of Cannabis Business**

### **1. Consent to Registering of Cannabis Business**

No individual or entity may operate a state-licensed cannabis retail business within Lac qui Parle County without first registering with the Lac qui Parle County Auditor-Treasurer

Any state-licensed cannabis retail business that sells to a customer without valid retail registration shall incur a civil penalty as established the Lac qui Parle County Board up to the maximum allowed by State Statute for each violation.

### **2. Compliance Checks Prior to Retail Registration**

Prior to the issuance of a cannabis retail business registration, Lac qui Parle County Environmental Office shall conduct a preliminary compliance check to ensure compliance with local ordinances.

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, Lac qui Parle County Environmental Office shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances.

### **3. Registration and Application Procedure**

#### **A. Fees**

A registration fee shall be charged to applicants depending on the type of retail business license applied for.

The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.

Any renewal retail registration fee shall be charged at the time of the second renewal and each subsequent renewal thereafter.

A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

All fees shall be established by the Lac qui Parle County Board subject to the maximums set forth in State Statute.

**B. Application Submittal**

Lac qui Parle County shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

- 1.) An applicant for a retail registration shall fill out an application form, as provided by the Lac qui Parle County Auditor-Treasurer's Office. Said form shall include, but is not limited to:
  - a. Full name of the property owner and applicant;
  - b. Address, email address, and phone number of the applicant;
  - c. The address and parcel ID for the property which the retail registration is sought;
  - d. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13 and any local zoning ordinances;
  - e. Any additional items as requested by Lac qui Parle County.
- 2.) The applicant shall include with the form:
  - a. The initial registration fee
  - b. A copy of a valid state license or written notice of OCM license preapproval;
  - c. Any additional items as requested by Lac qui Parle County.
- 3.) Once an application is considered complete, the Lac qui Parle County Auditor-Treasurer's Office shall inform the applicant as such, process the application fees, and forward the application to the Lac qui Parle County Board of Commissioners for final approval or denial.
- 4.) The registration fee shall be non-refundable once processed.

**C. Application Approval**

- 1.) A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under section 27.03 (6).
- 2.) A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.

- 3.) A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

**D. Annual Compliance Checks**

Lac qui Parle County, or its designee, shall complete at minimum one unannounced compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24 and this ordinance.

Age verification compliance checks shall involve persons at least 17 years of age, but under the age of 21, who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

Any failures under this section must be reported to the OCM.

**E. Location Change**

A state-licensed cannabis retail business shall be required to submit a new application and fee for registration under section 27.03 (3)(B) if it seeks to move to a new location still within the legal boundaries of Lac qui Parle County.

**4. Renewal of Registration**

The Lac qui Parle County Auditor-Treasurer's Office shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

A state-licensed cannabis retail business shall apply to renew registration on a form established by the Lac qui Parle County Auditor-Treasurer's Office.

A cannabis retail registration issued under this ordinance shall not be transferred.

**A. Renewal Application**

The application for renewal of a retail registration shall include, but is not limited to:

- 1.) Items required under section 27.03 (3)(B)(1) of this ordinance
- 2.) Any additional items as requested by Lac qui Parle County.

**5. Suspension of Registration**

**A. When Suspension is Warranted**

Lac qui Parle County may suspend a cannabis retail business's registration if it violates this ordinance or poses an immediate threat to

the health or safety of the public. Lac qui Parle County shall immediately notify the cannabis retail business the grounds for suspension in writing.

**B. Notification to OCM**

The Lac qui Parle County Auditor-Treasurer's Office shall immediately notify the OCM, in writing, the grounds for the suspension. OCM will provide Lac qui Parle County and the cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

**C. Length of Suspension**

The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended.

Lac qui Parle County may reinstate a registration if it determines that the violation(s) have been resolved.

Lac qui Parle County shall reinstate a registration if OCM determines the violation(s) have been resolved.

**D. Civil Penalties**

Subject to Minn. Stat. 342.22, subd. 5(e), Lac qui Parle County may impose a civil penalty, as specified in Lac qui Parle County's fee schedule, for registration violations, not to exceed the maximum set by Minnesota Statute.

**6. Limiting of Registrations**

Lac qui Parle County shall limit the number of cannabis retail businesses to no more than two (2) per 12,500 residents within Lac qui Parle County.

**27.04 Requirements for Cannabis Business**

**1. Minimum Buffer Requirements**

Lac qui Parle County shall prohibit the operation of a cannabis business within 500 feet of a school (as measured by the business property line to the school property line).

Lac qui Parle County shall prohibit the operation of a cannabis business within 500 feet of a daycare (as measured by the business property line to the daycare property line).

Lac qui Parle County shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility (as measured by the business property line to the residential treatment facility property line).

Lac qui Parle County shall prohibit the operation of a cannabis business within 500 feet of a public park, including a playground or athletic field (as measured by the business property line to the park property line).

Lac qui Parle County shall prohibit the operation of a cannabis business within 500 feet of a church (as measured by the business property line to the church property line).

Subject to approval by Lac qui Parle County, the buffer requirements set forth above may be reduced to a cannabis business that is located within a business district and the business' signage, operation, and customer flow is adequately screened and not visible from any school, daycare, residential treatment facility, or a public park.

Pursuant to Minn. Stat. 462.357 subd. 1 (e), nothing in section 27.04 (1) shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility, or an attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

## **2. Zoning and Land Use**

### **A. Cultivation**

Cannabis businesses licensed or endorsed for cultivation are permitted as a conditional use in the following County zoning district(s):

Agricultural District (A)  
Commercial/Industrial (C-I)

### **B. Cannabis Manufacturer**

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a conditional use in the following County zoning district(s):

Commercial/Industrial (C-I)

### **C. Hemp Manufacturer**

Businesses licensed or endorsed for lower-potency hemp edible manufacturer are permitted as a conditional use in the following County zoning district(s):

Commercial/Industrial (C-I)

### **D. Wholesale**

Cannabis businesses licensed or endorsed for wholesale are permitted as a conditional use in the following zoning County district(s):

Commercial/Industrial (C-I)

**E. Cannabis Retail**

Cannabis businesses licensed or endorsed for cannabis retail are permitted as a conditional use in the following County zoning district(s):

Commercial/Industrial (C-I)

**F. Cannabis Transportation**

Cannabis businesses licensed or endorsed for cannabis transportation are permitted as a conditional use in the following County zoning district(s):

Commercial/Industrial (C-I)

**G. Cannabis Delivery**

Cannabis businesses licensed or endorsed for cannabis delivery are permitted as a conditional use in the following County zoning district(s):

Commercial/Industrial (C-I)

**3. Hours of Operation**

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp derived consumer products between the hours of 8 a.m. and 10 p.m., Monday through Saturday, and between 10 a.m. and 10 p.m. on Sundays.

**4. Advertising**

Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business, unless otherwise limited by Lac qui Parle County's sign ordinance, local city ordinance or restrictive covenants.

**27.05 Temporary Cannabis Events**

**1. License or Permit Required for Temporary Cannabis Events**

**A. License Required**

A license or permit is required to be issued and approved by Lac qui Parle County at least 30 days prior to the scheduled temporary cannabis event and shall be limited to a maximum of four (4) days.

**B. Registration and Application Procedure**

A registration fee, as established in Lac qui Parle County's fee schedule, shall be charged to applicants for temporary cannabis events.

**C. Application Submittal and Review**

Lac qui Parle County shall require an application for temporary cannabis events.

1.) An applicant for a temporary cannabis event shall fill out an application form, as provided by the Lac qui Parle County Auditor-Treasurer's Office.

Said form shall include, but is not limited to:

- a. Full name of the property owner and applicant;
- b. Address, email address, and telephone number of the applicant;
- c. Any additional items as requested by Lac qui Parle County.

2.) The applicant shall include with the form:

- a. The application fee as required in section 27.05 (1)(B);
- b. A copy of the OCM cannabis event license application, submitted pursuant to Minn. Stat. 342.39 subd. 2.

The application shall be submitted to the Lac qui Parle County Auditor-Treasurer's Office, or other designee, for review. If the designee determines that a submitted application is incomplete, the application shall be rejected and returned to the applicant with the notice of deficiencies.

- 3.) Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the Lac qui Parle County Board of Commissioners for approval or denial.
- 4.) The application fee shall be non-refundable once processed.
- 5.) The application for a license for a temporary cannabis event shall meet the following standards:
  - a. Law enforcement shall be granted entry into the event including area not open to the general public.
  - b. There shall be no alcohol sales, consumption or possession at temporary cannabis events.
  - c. The event shall not grant access to any person under the age of 21.
  - d. Cannabis consumption is not visible from any public place.
  - e. The event will not occur during the hours of 12:00 a.m. to 6 a.m.
- 6.) A request for a temporary cannabis event that does not meet the requirements of this section shall be denied. The Lac qui Parle County Auditor-Treasurer's Office shall notify the applicant of the standards not met and the basis for denial in writing.

## **27.06 Lower-Potency Hemp Edibles**

### **1. Sale of Lower-Potency Hemp Edibles**

The sale of lower-potency hemp edibles is permitted, subject to the conditions within this section.

### **2. Zoning Districts**

Lower-potency edible businesses are permitted as a conditional use in the following County zoning district(s):

Commercial/Industrial (C-I)

### **3. Additional Standards**

#### **A. Sales within a Municipal Liquor Store**

The sale of lower-potency hemp edibles is permitted in a municipal liquor store.

#### **B. Beverages**

The sale of lower-potency hemp beverages is permitted in places that meet requirements of this section.

**C. Storage of Product**

Lower-potency hemp products shall be sold behind a counter, and stored in a locked case.

**27.07 Local Government as a Cannabis Retailer**

Lac qui Parle County may establish, own, and operate one municipal cannabis retail business subject to the restrictions in this chapter.

The municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses under section 27.03 (6).

Lac qui Parle County shall be subject to all the same license requirements and procedures applicable to all other applicants.

**27.08 Use in Public Places**

Subject to local ordinances, no person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.

**27.09 Effective Date**

The regulations in this section shall become effective from and after its publication according to law.

Adopted the 17th day of December, 2024 by the Lac qui Parle County Board of Commissioners.