

Township Cooperative
Planning Association

Cannabis Ordinance

1 Administration

1.1 Findings and Purpose

(Township) makes the following legislative findings:

Olmsted County adopted an ordinance for the purpose of protecting public health and safety by regulating and prohibiting the use of cannabis and cannabis-derived products in public places and places of public accommodation within the County and by regulating cannabis businesses within the legal boundaries of Olmsted County.

Minnesota Statutes Section 342.09 which became effective in relevant part on August 1, 2023, establishes that the adult use, possession and personal growing of cannabis is legal, subject to the requirements and restrictions of Minnesota Statutes.

(Township) finds and concludes that the proposed provisions are appropriate and lawful land use regulations for (Township), that the proposed amendments will promote the community's interest by creating reasonable zoning regulation for the present and future, and that the proposed provisions are in the public interest and for the public good.

1.2 Authority & Jurisdiction

(Township) hereby acknowledges that pursuant to Minnesota Statutes Section 342.13, Olmsted County has set the registration for initial licensed cannabis retailers, cannabis mezzobusinesses with a retail operations endorsement, and cannabis microbusinesses with a retail operations endorsement in the County at fourteen (14). (Township) delegates its registration authority for these cannabis businesses to Olmsted County, effective immediately. (Township) staff has notified the County and the Minnesota Office of Cannabis Management that this action has been taken and complete and file any forms required by Office of Cannabis Management as evidence of that fact.

This ordinance shall be applicable to the legal boundaries of (Township)

1.3 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.

1.4 Enforcement

The Director of Olmsted County Public Health Services (Director) and the Olmsted County Sheriff (Sheriff) shall be jointly responsible for the enforcement of this ordinance.

1.5 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 meaning in this ordinance.

1.5.1 Cannabis Business

In accordance with MN Statutes Section 342.01 Subdivision 14, "cannabis business" means any of the following licenses by the State of Minnesota:

1. Cannabis Microbusiness;
2. Cannabis Mezzobusiness;
3. Cannabis Cultivator;
4. Cannabis Manufacturer;
5. Cannabis Retailer;
6. Cannabis Wholesaler;
7. Cannabis Transporter;
8. Cannabis Testing Facility;
9. Cannabis Delivery Service;
10. Medical Cannabis Combination Business.

1.5.2 Cannabis Microbusiness

A MN Cannabis License type issued pursuant to MN Statutes Section 342.28 which permits cultivation of cannabis, manufacturing of cannabis products and hemp products, and packaging such products for sale to customers or

another licensed cannabis business and which may operate a single retail location.

1.5.3 Cannabis Mezzobusiness

A MN Cannabis License type in issued pursuant to MN Statutes Section 342.29 which permits cultivation of cannabis, manufacturing of cannabis and hemp products, and packaging of such products for sale to customers or another licensed cannabis business and which may operate up to three retail locations.

1.5.4 Cannabis Cultivation

Includes license types: cannabis cultivator, cannabis mezzobusiness, cannabis microbusiness and medical cannabis combination business, means in accordance with MN Statute 342.01 Subdivision 27, any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts.

1.5.5 Cannabis Manufacturing, Processing, Extraction

Includes MN Cannabis License types: cannabis manufacturer, cannabis mezzobusiness, cannabis, microbusiness, medical cannabis combination and means a business or activity that turns raw, dried cannabis and cannabis parts into other types of cannabis products such as but not limited to edibles or topicals.

1.5.6 Cannabis Retail

A MN Cannabis License type issued pursuant to MN Statutes Section 342.32 and which includes the following types of cannabis businesses: cannabis retailer, cannabis mezzobusiness, cannabis microbusiness, and medical cannabis combination. This license type allows these businesses to sell cannabis and cannabis products directly to consumers.

1.5.7 Cannabis Wholesale

A MN Cannabis License type issued pursuant to MN Statutes Section 342.33 and 342.34 and which includes the following types of cannabis businesses: cannabis wholesale, cannabis cultivator, cannabis manufacturer, cannabis

mezzobusiness, cannabis microbusiness, and medical cannabis combination. This license type allows a business to purchase from a business growing or manufacturing cannabis or cannabis products and sell to a cannabis business engaged in retail operations.

1.5.8 Cannabis Transporter

A MN Cannabis License type issued pursuant to MN Statutes Section 342.35. A cannabis transporter license entitles the license holder to transport immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower potency hemp edible manufacturers, and industrial hemp growers to cannabis microbusinesses, cannabis mezzobusinesses, cannabis manufacturers, cannabis testing facilities, cannabis wholesalers, cannabis retailers, lower potency hemp edible retailers, and medical cannabis combination businesses and perform other actions approved by the Office of Cannabis Management.

1.5.9 Cannabis Testing Facility

A MN Cannabis License type issued pursuant to MN Statutes Section 342.37. A cannabis testing facility license entitles the license holder to obtain and test immature cannabis plants and seedlings, cannabis flower, cannabis products, hemp plant parts, hemp concentrate, artificially derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis combination businesses, and industrial hemp growers.

1.5.10 Cannabis Delivery Service

A MN Cannabis License type issued pursuant to MN Statutes Section 342.41. A cannabis delivery service license entitles the license holder to purchase cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from licensed cannabis microbusinesses with a

retail endorsement, cannabis mezzobusinesses with a retail endorsement, cannabis retailers, medical cannabis retailers, and medical cannabis combination businesses; transport and deliver cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumable products to customers; and perform other actions approved by the office.

1.5.11 Cannabis Medical Combination Business

A MN Cannabis License type issued pursuant to MN Statutes Section 342.515 which permits the cultivation and manufacturing of cannabis and hemp products, and packaging such products for sale to customers, patients, or another licensed cannabis business. Medical cannabis combination businesses may operate up to one retail location in each congressional district.

1.5.12 Daycare

“Daycare” means 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.

1.5.13 Place of public accommodation

“Place of public accommodation” means a business, refreshment, entertainment, recreation, or transportation facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

“A public place” or “a place of public accommodation” does not include the following:

1. A private residence, including the individual’s curtilage or yard.
2. A private property, not generally accessible by the public, (unless the individual is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products) on the property by the owner of the property.
3. On the premises of an establishment or event licensed to permit on-site consumption.

1.5.14 Preliminary License Approval

“Preliminary License Approval” means the Office of Cannabis Management pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. Section 342.17.

1.5.15 Residential Treatment Facility

“Residential Treatment Facility” is defined in Minnesota Statutes Section 245.462, Subd. 23.

1.5.16 State License

“State License” means an approved license issued by the State of Minnesota’s Office of Cannabis Management to a cannabis retail business.

// We are excluding the definition of Temporary Cannabis Events – Until we know if we can zone these out or not.

2 Registration of Cannabis Business

All Cannabis Business registration must follow Olmsted County Code of Ordinances Section 2155: Registration of Cannabis Businesses. Local Zoning approval is contingent upon permit approval of the Olmsted County Health Department.

// Section 2 language may be updated to reflect when/how the registration works with OCPH

3 Requirements for a Cannabis Business

3.1 General Zoning Regulations

3.1.1 Location Criteria

No cannabis business may be located within the following buffer distances, as measured from the nearest property line:

1. 1,000 feet of an educational institution or school, college or university, as defined in the Olmsted County Public Places Ordinance.
2. 500 feet of a licensed daycare facility,
3. 500 feet of a residential treatment facility,

4. 500 feet of a public park or playground,
5. Upon any county property

3.1.2 Existing Cannabis Businesses

Pursuant to Minn. Stat. 462.357 Subd. 1e, nothing in Section 3.1 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, public parks, or playground moves within the minimum buffer zone.

3.1.3 Compliance with Minnesota State Rules

All cannabis business operations must follow the rules and guidelines set forth in the Minnesota Office of Cannabis Management First Draft of Proposed Cannabis Rules published on July 31st, 2024.

Rules will be updated at some point. Once finalized we will revise this section.

3.1.4 Outdoor Cultivation

All Cannabis business operations including cultivation must be done indoors in an enclosed facility.

3.2 Zoning and Land Use

3.2.1 Cultivation

Cannabis Business licensed or endorsed for cultivation are permitted with an interim use permit in the following zoning districts:

1. A-1 Agricultural Protection District;
2. A-2 Agricultural Protection District;
3. A-3 Agricultural Protection District;

In no case is cannabis or medical cannabis cultivation considered incidental to the primary use of the property and may only be grown for personal use in accordance with Minnesota Statutes Section 342.09, Subd. 2 on all other zoned parcels where a dwelling is located.

3.2.2 Cannabis Manufacturer

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted with an interim use permit in the following zoning districts:

1. Industrial District

3.2.3 Wholesale

Cannabis businesses licensed or endorsed for cannabis wholesale are permitted with an interim use permit in the following zoning districts:

1. Commercial Districts
2. Industrial Districts

3.2.4 Cannabis Retail

Cannabis businesses licensed or endorsed for cannabis retail are permitted with an interim use permit in the following zoning districts:

1. Commercial Districts

3.2.5 Cannabis Transportation

Cannabis businesses licensed or endorsed for cannabis transportation are permitted with an interim use permit in the following zoning districts:

1. Commercial Districts

3.2.6 Cannabis Delivery

Cannabis businesses licensed or endorsed for cannabis delivery are permitted with an interim use permit in the following zoning districts:

1. Commercial Districts

3.3 Medical Cannabis

Medical cannabis businesses are to follow the same rules set forth for non-medical cannabis businesses.

// We excluded hemp manufacture because it is not in the Olmsted County Ordinance and is regulated by the department of agriculture not the office of cannabis management

3.4 Advertising

Cannabis Businesses are permitted to erect up to two fixed signs, no larger than 2'x4', on the exterior of the building or property of the business, unless otherwise limited by (Township)'s sign ordinances.

4 Section 4. Temporary Cannabis Events

It is TCPA staff recommendation to not allow Temporary Cannabis Events in townships. It's our opinion this type of activity would be better suited for areas with more access to public transit, pedestrian facilities, faster response to emergency services, etc. MATs attorneys have stated that legal precedence would be needed before prohibiting these in certain areas becomes illegal.

If the townships want to regulate this, 342.40 Subd 1. Says that local approval permits and licensing is required, it could be done through interim use permit which expires at the conclusion of the event.

5 Section 5. Use of Cannabis in Public

All public use of cannabis within (Township) is regulated by the Olmsted County Health Department. All use of cannabis products in public places shall adhere to the rules and restrictions set forth in Olmsted County Code of Ordinances Section 2154.