



CITY OF
MILACA *Minnesota*

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CITY OF MILACA
PLANNING COMMISSION AGENDA
JULY 8, 2024
6:00 P.M.
255 1ST ST E, CITY HALL COUNCIL ROOM

1. Open Regular Planning Commission Meeting

2. Call to Order Time/Roll Call

___ Brett Freeze ___ Arla Johnson ___ Greg Kuperus ___ Jake Lepper ___ Joel Millam
___ Mitch Siemers ___ Brad Tolzman

3. Approve minutes from June 3, 2024

MB ___ 2nd ___ AIF ___ O ___

4. Open Public Hearings: Time _____

a. Ordinance #529 Regulating Cannabis Businesses and Cultivation

Close Public Hearings: Time _____

5. Open Public Hearings: Time _____

a. Ordinance #156.057 Accessory Buildings, Structures and Uses (Tarp-Like Structures)

Close Public Hearings: Time _____

6. New Business

a. Ordinance # Ordinance #529 Regulating Cannabis Businesses and Cultivation

MB _____ 2nd _____ AIF ____ O ____

b. Ordinance #156.057 Accessory Buildings, Structures and Uses
(Tarp-Like Structures)

MB _____ 2nd _____ AIF ____ O ____

7. Miscellaneous

Next meeting possibly create a Solar Panel Ordinance and discuss RV Regulations

8. Adjourn

CITY OF MILACA PLANNING COMMISSION MEETING MINUTES

June 3, 2024

6:00 P.M.

1. OPEN PLANNING COMMISSION MEETING: Brad Tolzman –Chairman 6:00 p.m.

2. MEMBERS PRESENT: Roll Call:

a. Joel Millam, Brett Freese, Arla Johnson, Brad Tolzman, Greg Kuperus

b. Others Present: City Manager Tammy Pfaff, Assistant City Clerk Deloris Katke, Council Liaison Norris Johnson. Residents: Mitch Siemers, Jake Lepper, Mary Anderson, Mike Pap, Denise Miller

3. APPROVAL OF MINUTES FROM November 13, 2023:

Chairman Tolzman called for a motion to approve the minutes from November 13, 2023.

Motion to approve minutes from November 13, 2023, made by Brett Freese, seconded by Joel Millam. No further discussion. All in favor.

Motion passes.

4. PUBLIC HEARINGS: Opened at 6:01 p.m.

- a. **Preliminary Plat for Worth Custom Homes:** Jarod Worth, representing Worth Custom Homes, requesting approval of the preliminary plat of Wilkin Estates, located in northeast Milaca. Several questions were raised by residents related to setbacks, storm water drainage, access, and timeframes. PC Member Kuperus asked Mr. Worth about timeframes for completion of the various phases of the project, as well as the ability to pull additional permits while this process was moving along. PC Member Freese asked Mr. Worth if his company has been following the appropriate steps during the course of this project. PC Member Millam asked City Manager Pfaff if the city had a recommendation regarding approval of this request.

5. Public Hearings closed at 6:09 p.m.

6. NEW BUSINESS:

a. **Preliminary Plat for Worth Custom Homes:** PC Member Millam made a motion to recommend approval of the preliminary plat for Worth Custom Homes as presented. PC Member A. Johnson seconded the motion. No further discussion. All in favor. Motion passes.

b. **Interview Planning Commission Candidate:** The three candidates for the two open Planning Commission seats were: Mitchell Siemers, Jake Lepper, and Harold “Pete” Pedersen. All three candidates are residents of Milaca. The candidates were asked the following questions with regard to their desire to be part of the city’s zoning and planning commission:

1. **What are your goals/accomplishments for being on the Planning Commission?**
2. **How would you accomplish getting a resident or commercial business to comply to zoning ordinances?**

3. **What would you change in the zoning ordinance?**
4. **How would you improve the City of Milaca?**
5. **How would you handle conflict or a difference of opinion with a Planning Commission member's views if you did not agree with them?**

Candidates Siemers and Lepper were in attendance and answered the questions in person, candidate Pedersen submitted his responses, and they were shared with the group.

Following the interviews each PC Member was given a ballot and asked to select no more than two choices for the open seats. The results were as follows:

Candidate Siemers - five votes
Candidate Lepper- five votes
Candidate Pedersen- zero votes

PC Member Johnson motioned to approve the results of the vote. PC Member Kuperus seconded the motion. No further discussion. All in favor.

Motion passes.

c. Appoint a secretary for the Planning Commission: PC Member Freese volunteered to fill the secretary vacancy on the Planning Commission. PC Member Johnson made a motion to approve PC Member Freese as Planning Commission secretary. PC Member Millam seconded the motion. No further discussion. All in favor.

Motion passes.

7. MISCELLANEOUS:

City Manager Pfaff stated that a city ordinance related to solar panel projects, tarp like structures, and cannabis cultivation will likely be topics of upcoming Planning Commission meetings.

PC Member Millam asked how the meter replacement was coming and City Manager Pfaff stated that they are about 95% complete. There are a few residents that refuse to comply and we may need to get our city attorney involved.

8. ADJOURN:

PC Chairman Tolzman called for a motion to adjourn. PC Member Millam made the motion to adjourn. PC Member Johnson seconded the motion. No further discussion. All In favor.

Motion passes.

Meeting adjourned at 6:35 p.m.

ORDINANCE NO. 529
AN ORDINANCE ADDING TITLE XI (BUSINESS REGULATIONS) CHAPTER 122
ADULT-USE CANNABIS AND CANNABIS BUSINESS AND CULTIVATION
REGULATIONS OF THE CITY OF MILACA CODE OF ORDINANCES

THE CITY COUNCIL OF THE CITY OF MILACA, MINNESOTA DOES ORDAIN AS FOLLOWS:

Section

- __ 122.01 PURPOSE AND INTENT
- __ 122.02 DEFINITIONS
- 122.03 AUTHORITY AND JURISDICTION
- 122.04 REGISTRATION OF CANNABIS BUSINESSES
- 122.05 APPLICATION APPROVAL
- 122.06 ANNUAL COMPLIANCE CHECKS
- 122.07 LOCATION CHANGE
- 122.08 REGISTRATION RENEWAL
- 122.09 SUSPENSION OF REGISTRATION
- 122.10 CIVIL PENALTIES
- 122.11 LIMITING REGISTRATIONS
- 122.12 REQUIREMENTS FOR CANNABIS BUSINESSES
- 122.13 ZONING AND LAND USE
- 122.14 HOURS OF OPERATION
- 122.15 ADVERTISING
- 122.16 TEMPORARY CANNABIS EVENTS
- 122.17 SALE OF LOW-POTENCY HEMP EDIBLES
- 122.18 SALES OF ADULT-USE CANNABIS
- 122.19 TAXES
- 122.20 INDIVIDUALS
- 122.21 LOCAL GOVERNMENT AS A CANNABIS RETAILER
- 122.22 USE IN PUBLIC PLACES

§122.01 PURPOSE AND INTENT.

The use, possession and cultivation of cannabis and cannabis related products has become legal in the State of Minnesota for adults over the age of twenty-one (21), and the city believes reasonable controls and regulations are required to ensure use, possession, cultivation and consumption of such products is necessary to ensure public health, safety, comfort, convenience and general welfare of the residence of the City of Milaca. This Ordinance shall be intended to regulate the sale, possession, use and cultivation of cannabis and cannabis related products and cannabis related devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the use of cannabis and cannabis related devices, and to further the official public policy of the State of Minnesota in regard to

preventing young people from starting to use cannabis and cannabis related products. This Ordinance shall be construed to comply with the requirements of Minnesota Statute §342. The city finds and concludes that the proposed provisions are appropriate and lawful land use regulations for City of Milaca, 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.

§122.02 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 the office.

CANNABIS FLOWER. "Cannabis flower" means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

CANNABIS PRODUCTS. "Cannabis product" means any of the following:

- (1) cannabis concentrate;
- (2) a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower; or
- (3) any other product that contains cannabis concentrate.

Cannabis product includes adult-use cannabis products, including but not limited to edible cannabis products and medical cannabinoid products. Cannabis product does not include cannabis flower, artificially derived cannabinoid, lower-potency hemp edibles, hemp-derived consumer products, or hemp-derived topical products.

CANNABIS RETAIL BUSINESSES. A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, (and/excluding) 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.

CULTIVATION. Any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis plants, cannabis flower, hemp plants or hemp plant parts.

CULTIVATOR. Cultivators may cultivate cannabis and package such cannabis for sale to another licensed cannabis business.

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.

DELIVERY SERVICE. Delivery services may purchase cannabis, cannabis products, and hemp products from retailers or cannabis business with retail endorsements for transport and delivery to customers.

EVENT ORGANIZER. Event organizers may organize a temporary cannabis event lasting no more than four (4) days.

delete if we don't allow events

LOWER-POTENCY HEMP EDIBLE. As defined under Minn. Stat. §342.01 Subd. 50.

LOWER-POTENCY HEMP EDIBLE MANUFACTURER. Lower-potency hemp edible manufacturers may manufacture and package lower-potency hemp edibles for consumer sale, and sell hemp concentrate and lower-potency hemp edibles to other cannabis and hemp businesses.

LOWER-POTENCY HEMP EDIBLE RETAILER. Lower-potency hemp edible retailers may sell lower-potency hemp edibles to customers.

MANUFACTURER. Manufacturers may manufacture cannabis products and hemp products, and package such products for sale to a licensed cannabis retailer.

MEDICAL CANNABIS COMBINATION BUSINESS. Medical cannabis combination businesses may cultivate cannabis and manufacture cannabis and hemp products, and package 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. Medical cannabis combination businesses may cultivate at more than one location within other limitations on cultivation.

MEZZOBUSINESS. Mezzobusinesses may cultivate cannabis and manufacture cannabis products and hemp products, and package such products for sale to customers or another licensed cannabis business. Mezzobusiness may also operate up to three retail locations.

MICROBUSINESS. Microbusinesses may cultivate cannabis and manufacture cannabis products and hemp products and package such products for sale to customers or another licensed

cannabis business. Microbusiness may also operate a single retail location.

OFFICE OF CANNABIS MANAGEMENT. Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance is the state regulatory office created to oversee the implementation and regulation of the adult-use cannabis market, the medical cannabis market and the consumer hemp industry. OCM governs the application and licensing process for cannabis and hemp businesses, specific requirements for each type of license and their respective business activities and conducts enforcement and inspection activities across the Minnesota cannabis and hemp industries.

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-approval for a cannabis business license for applicants who qualify under Minn. Stat. §342.17.

PUBLIC PLACE. Property that is generally open to or accessible by the public, except on those premises licensed by the State of Minnesota to permit on-site consumption.

PUBLIC PROPERTY. Property, real and personal, that is owned, managed, or controlled by the City, including, but not limited to: City buildings and all the land thereon, parking lots, parks, airport property, golf courses, pathways and trails, and city rights-of-way consisting of both the traveled portion and the abutting boulevard, sidewalks and trails, and any City personal property, such as motor vehicles, city equipment, and the like. 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 the city to a state-licensed cannabis retail business.

RETAILER. Retailers may sell immature cannabis plants and seedlings, cannabis, cannabis products, hemp products, and other products authorized by law to customers and patients. May operate up to five (5) retail locations under a single license.

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.

TESTING FACILITY. Testing facilities may obtain and test immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from licensed cannabis

businesses.

TRANSPORTER. Transporters may transport immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products to licensed cannabis businesses.

WHOLESALE. Wholesalers may purchase and/or sell immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from another licensed cannabis business. Wholesalers may also import hemp-derived consumer products and lower-potency hemp edibles.

§122.03 AUTHORITY AND JURISDICTION.

(A) City of Milaca has the authority to adopt this ordinance pursuant to:

(1) 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.

(2) Minn. Stat. §342.22 regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.

(3) Minn. Stat. 152.0263, Subd. 5 regarding the use of cannabis in public places.

(4) Minn. Stat. 462.357 regarding the authority of a local authority to adopt zoning ordinances.

(B) This Ordinance shall be applicable to the legal boundaries of City of Milaca. City of Milaca has delegated cannabis retail registration authority to Mille Lacs County. However, City of Milaca may adopt ordinances if Mille Lacs County has not adopted conflicting provisions.

(C) 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.

(D) The Milaca Police Department is 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. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

Local Governments:

(A) May not prohibit the possession, transportation, or use of cannabis, or the establishment or operation of a cannabis business licensed under state law.

(B) May adopt reasonable restrictions on the time, place, and manner of cannabis business operations.

(C) May adopt interim ordinances to protect public safety and welfare, as any studies and/or further considerations on local cannabis activities are being conducted, until January 1, 2025. A public hearing must be held prior to adoption of an interim ordinance.

(D) Must be considered in a local ordinance.

§122.04 REGISTRATION OF CANNABIS BUSINESSES

SHOULD THIS
BE MN DEPT
OF HEALTH?
OR STATE?

(A) No individual or entity may operate a state-licensed cannabis retail business within the city without first registering with the city. Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of up to \$2,000 for each violation. Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government. Tribal nations hold the authority to license tribal cannabis businesses on tribal lands – this process is separate than OCM’s licensing process and authority. Subject to compacting, Tribal nations may operate cannabis businesses off tribal lands. Minn. Stat. §342.13.

(B) Prior to issuance of a cannabis retail business registration, the city shall/shall not 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, city shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with state fire code and building code. The business must also be current on all property taxes and assessments for the proposed retail location.

(C) The city shall not charge an application fee. A registration fee, as established in the city’s fee schedule, shall be charged to applicants depending on the type of retail business license applied for. An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. §342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee. Any renewal retail registration fee imposed by the city shall be charged at the time of the second renewal and each subsequent renewal thereafter. A renewal retail registration fee shall not exceed \$1,000 or half the amount of the renewal state license fee under Minn. Stat. §342.11, whichever is less. 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.

(D) The city shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. §342.22. An applicant for a retail registration shall fill out an application form, as provided by the city. Said form shall include, but is not limited to:

- (1) Full name of the property owner and applicant;
- (2) Address, email address, and telephone numbers of the applicant;
- (3) The address and parcel ID for the property which the retail registration is sought;
- (4) Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. §342.13
- (5) The applicant shall include with the form:
 - a. Registration fee as required by city
 - b. a copy of a valid state license or written notice of the OCM license approval

§122.05 APPLICATION APPROVAL.

Once an application is considered complete, the city manager or designee shall inform the applicant as such, process the application fees and forward the application to the city council for approval or denial. The application fee shall be non-refundable once processed. 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

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

Application may be refused based on:

(A) Applicant has been convicted of a felony or willful violation of a federal or state law or local ordinance related to the manufacture, sale, distribution, or possession for sale of distribution of an alcoholic beverage.

§122.06 ANNUAL COMPLIANCE CHECKS.

The city shall complete at minimum one 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. The city shall

conduct at minimum one unannounced age verification compliance check at least once per calendar year. 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 Office of Cannabis Management.

§122.07 LOCATION CHANGE.

A state-licensed cannabis retail business shall be required to submit a new application for registration if it seeks to move to a new location still within the legal boundaries of the city. If a state-licensed cannabis retail business seeks to move to a new location still within the legal boundaries of the city, it shall notify the city of the proposed location change and submit necessary information to meet all the criteria in this paragraph.

§122.08 REGISTRATION RENEWAL.

CITY NEEDS TO
CREATE
RENEWAL FORM

The city 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 city. A cannabis retail registration issued under this ordinance shall not be transferred. The city may charge a renewal fee for the registration starting at the second renewal, as established in the city's fee schedule. The application for renewal of a retail registration shall include, but it not limited to items in §122.04(D).

§122.09 SUSPENSION OF REGISTRATION.

The city may suspend a cannabis retail business's registration if it violates the ordinance of the city or poses an immediate threat to the health or safety of the public. The city shall immediately notify the cannabis retail business in writing the grounds for the suspension. The city shall also immediately notify the OCM in writing the grounds for the suspension. OCM will provide the city and cannabis business retailer a response to the complaint within seven (7) calendar days and perform any necessary inspections within thirty (30) calendar days. The suspension of a cannabis retail business registration may be for up to thirty (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. The city may reinstate a registration if it determines that the violations have been resolved, or, the city may wait for a determination from the OCM before reinstating a registration. The city shall reinstate a registration if OCM determines that the violation(s) have been resolved.

SO, CAN CITY
REINSTATE?
CONTRADICTORY

§122.10 CIVIL PENALTIES.

Subject to Minn. Stat. §342.22, Subd. 5(e), the city may impose a civil penalty, as specified in the city's fee schedule for registration violations, not to exceed \$2,000.

§122.11 LIMITING REGISTRATIONS.

The county shall limit the number of cannabis retail businesses to no fewer than one registration for every 12,500 residents with the county. If Mille Lacs County has one active cannabis retail business registration for every 12,500 residents, the city shall not be required to register additional state-licensed cannabis retail businesses. The city shall limit the number of cannabis retail businesses to _____.

LOCAL GOVTS ARE NOT REQUIRED TO LIMIT A NUMBER OF CANNABIS RETAILERS

IS COUNTY REGULATING? IF COUNTY REGULATES, THEY COLLECT THE TAXES. DELETE?

DO WE WANT SO MANY FEET FROM RESIDENTIAL DISTRICT?

§122.12 REQUIREMENTS FOR CANNABIS BUSINESSES.

The city shall prohibit the operation of a cannabis business within 1,000 feet of a school or within 500 feet of a daycare, residential treatment facility, churches, libraries, recreational centers, halfway houses or of an attraction within a public park that is regularly used by minors, including a playground or athletic field. The city shall prohibit the operation of a cannabis retail business within _____ feet of another cannabis retail business. Pursuant to Minn. Stat. §462.367, Subd. 14, nothing in this ordinance 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 attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

current ord. #120.05(A)(3) states 500 ft from public

§122.13 ZONING AND LAND USE.

Cannabis businesses licensed or endorsed for **cultivation** are permitted as a (type of use) in the following zoning districts:

(List districts)

Cannabis businesses licensed or endorsed for cannabis **manufacturer** are permitted as a (type of use) in the following zoning districts:

(Lists districts but typically Industrial)

Businesses licensed or endorsed for **low-potency hemp edible manufacturers** permitted as a (type of use) in the following zoning districts:

(List districts but typically Industrial)

INDUSTRIAL HEMP IS AN AGRICULTURAL PRODUCT AND SHOULD BE ZONED AS SUCH

how many acres needed for growing/cultivation?

conditional use or interim

how many acres needed for growing/cultivation?

how many acres needed for growing/cultivation?

Cannabis businesses licensed or endorsed for **wholesale** are permitted as a (type of use) in the following zoning districts:

(List districts)

Cannabis businesses licensed or endorsed for cannabis **retail** are permitted as a (type of use) in the following zoning districts:

(List districts but typically Commercial/Retail zones)

Cannabis businesses licensed or endorsed for **transportation** are permitted as a (type of use) in the following zoning districts:

(List districts)

Cannabis businesses licensed or endorsed for **delivery** are permitted as a (type of use) in the following zoning districts:

(List districts)

§122.14 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 10 a.m. and 9 p.m.. However, state statutes prohibit the sale of cannabis between 2 a.m. and 8 a.m., Monday through Saturday, and between 2 a.m. and 10 a.m. on Sundays. Minn. Stat. §342.13.

§122.15 ADVERTISING.

- (A) May not include or appeal to those under 21 years old.
- (B) Must include property warning statements.
- (C) May not include misleading claims or false statements.

(D) 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 city's sign ordinances. Billboards are not allowed.

§122.16 TEMPORARY CANNABIS EVENTS.

DO WE EVEN WANT EVENTS?

Any individual or business seeking to obtain a cannabis event license must provide OCM information about the time, location, layout, number of business participants, and hours of operation. A cannabis event organizer must receive local approval, including obtaining any necessary permits or licenses issued by the city and/or county before holding a cannabis event. Event cannot last any longer than four (4) days. A license or permit is required to be issued and approved by the city prior to holding a Temporary Cannabis Event. A registration fee, as established in the city's fee schedule, shall be charged to applicants for a Temporary Cannabis Event. The city shall require an application for Temporary Cannabis Events. An applicant for a retail registration shall fill out an application form, as provided by the city. Said form shall include, but is not limited to:

need to set a registration fee for temporary event and create application

(1) Full name of the property owner and applicant;

(2) Address, email address, and telephone numbers of the applicant;

(3) The address and parcel ID where event is to be held

(4) The applicant shall include with the form:

a. application fee as required

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 city, or other designee, for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies. Once an application is considered complete, the designee shall inform the applicant as such, process the application fees and forward the application to the city council for approval or denial. The application fee shall be non-refundable once processed. The application for a license for a Temporary Cannabis Event shall meet the following standards:

(insert standards like no consumption of alcohol, hours, etc.)

A request for a Temporary Cannabis Event that meets the requirements of this section shall be approved. A request for a Temporary Cannabis Event that does not meet the requirements of this section shall be denied. The city shall notify the applicant of the standards not met and basis for denial. Temporary Cannabis Events shall only be held at _____ (insert location(s))

§122.17 SALE OF LOW-POTENCY HEMP EDIBLES.

The sale of Low-Potency Edibles is permitted, subject to the conditions within this ordinance. Low-Potency Edibles businesses are permitted as a (type of use) in the following zoning districts:

(List districts)

The sale of Low-Potency Edibles is permitted:

- (A) In a Municipal Liquor Store.
- (B) In places that admit persons 21 years of age or older.
- (C) In places that meet requirements of this ordinance.
- (D) Shall be sold behind a counter and stored in a locked case.

§122.18 SALES OF ADULT-USE CANNABIS.

The flow of all products through the supply chain must be tracked by the state-authorized tracking system. All products sold to consumers and patients must be tested for contaminants. Home delivery is allowed by licensed businesses.

§122.19 TAXES.

Retail sales of taxable cannabis products are subject to the state and local sales and use tax and a ten (10)% gross receipts tax. Cannabis gross receipts tax proceeds are allocated as follows:

20% to the local government cannabis aid account

80% to the state general fund

Local taxes imposed solely on sale of cannabis products are prohibited. Cannabis retailers will be subject to the same real property tax classification as all other retail businesses. Real property used for raising, cultivating, processing, or storing cannabis plants, cannabis flower, or cannabis products for sale will be classified as commercial and industrial property.

§122.20 INDIVIDUALS.

- (A) Individuals may possess 2 ounces of flower in public.
- (B) Individuals may possess 2 pounds in private residence.
- (C) 8 grams of concentrate.
- (D) 800 mg THC edibles (including lower-potency hemp).
- (E) Consumption is only allowed on private property or at licensed businesses with on-site consumption endorsements. Consumption is not allowed in public.
- (F) Gifting cannabis to another individual over 21 years old is allowed, subject to possession limits.
- (G) Home cultivation is limited to four (4) mature and four (4) immature plants (8 total) in a single residence. Plants must be in an enclosed and locked space.
- (H) Home extraction using volatile substances (e.g. butane, ethanol) is not allowed.
- (I) Unlicensed sales are not allowed.

§122.21 LOCAL GOVERNMENT AS A CANNABIS RETAILER.

City of Milaca may establish, own and operate one municipal cannabis retail business subject to the restrictions in this ordinance. The municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses under this ordinance. The city shall be subject to all same rental license requirements and procedures applicable to all other applicants.

§122.22 USE IN PUBLIC PLACES.

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.

Adopted this _____ day of _____, 2024.

Mayor Dave Dillon

ATTEST:

City Manager Tammy Pfaff

OTHER ITEMS TO CONSIDER:

Odor

Lighting

Water Consumption

Security – should we require security cameras? If so, how long should video be saved?

Ventilation & Filtration

Solid Waste

SEE
CANNABIS
PLANNING &
ZONING
HANDOUT

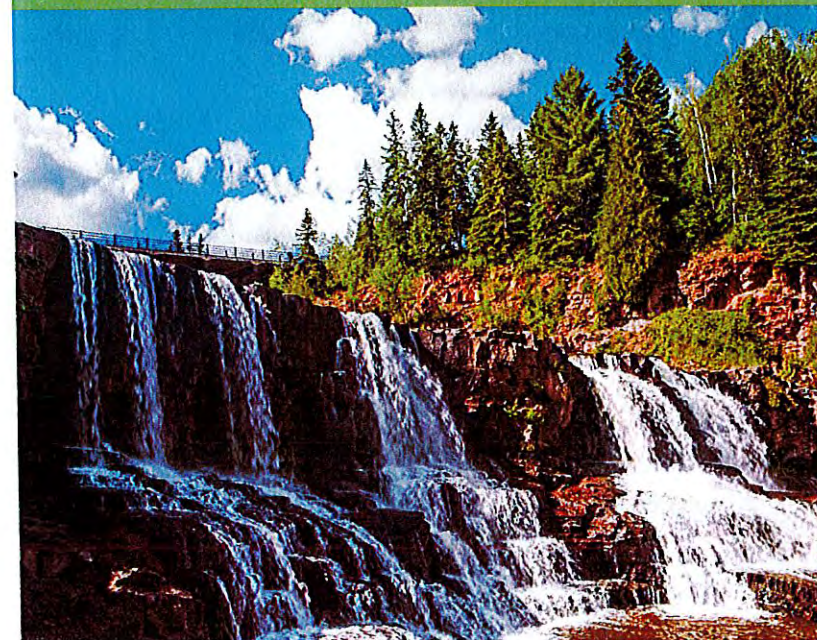


MINNESOTA

OFFICE OF CANNABIS MANAGEMENT



A Guide for Local Governments on Adult-Use Cannabis



Version 1 - June 2024

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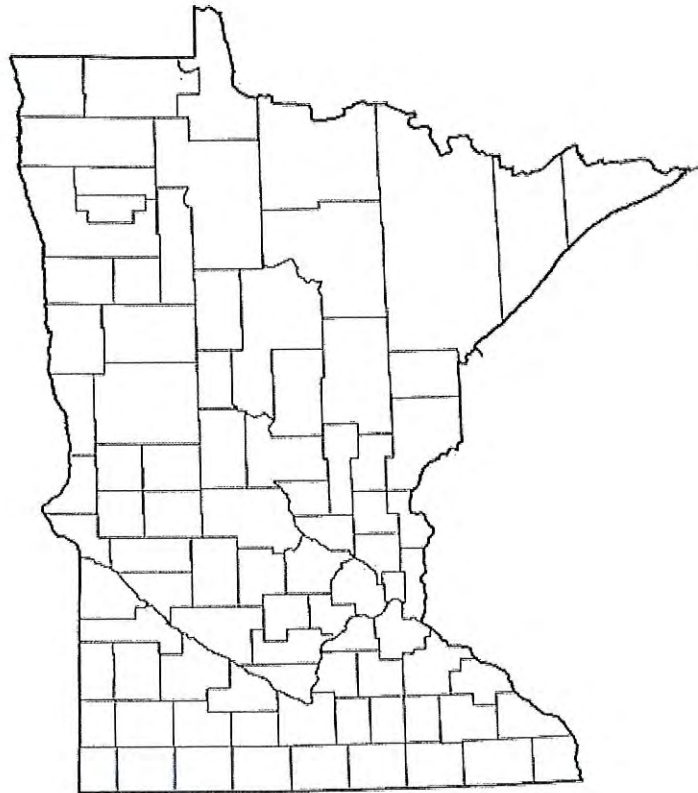
Introduction

This guide serves as a general overview of **Minnesota’s new adult-use cannabis law**, and how **local governments** can expect to be involved. The guide also provides important information about Minnesota’s new Office of Cannabis Management (OCM), and the office’s structure, roles, and responsibilities. While medical cannabis continues to play an important role in the state’s cannabis environment, this guide is primarily focused on the adult-use cannabis law and marketplace.

The following pages outline the variety of cannabis business licenses that will be issued, provide a broad summary of important aspects of the adult-use cannabis law, and cover a wide range of expectations and authorities that relate to local governments. This guide also provides best practices and important requirements for developing a local cannabis ordinance.

Chapter 342 of Minnesota law was established by the State Legislature in 2023 and was updated in 2024. Mentions of “adult-use cannabis law” or “the law” throughout this guide refer to Chapter 342 and the changes made to it.

As of this guide’s date of publication, state regulations governing the adult-use cannabis market have not yet been published—**this document will be updated** when such regulations become effective.



This guide is not a substitute for legal advice, nor does it seek to provide legal advice. Local governments and municipal officials seeking legal advice should consult an attorney.

About OCM

✓ Minnesota's **Office of Cannabis Management** is the state regulatory office created to oversee the implementation and regulation of the adult-use cannabis market, the medical cannabis market, and the consumer hemp industry. Housed within OCM are the **Division of Medical Cannabis** (effective July 1, 2024), which operates the medical cannabis program, and the **Division of Social Equity**, which promotes development, stability, and safety in communities that have experienced a disproportionate, negative impact from cannabis prohibition and usage.



OCM, through Chapter 342, is tasked with establishing rules and policy and exercising its regulatory authority over the Minnesota cannabis industry. In its duties, OCM is mandated to:

- Promote public health and welfare.
- Protect public safety.
- Eliminate the illicit market for cannabis flower and cannabis products.
- Meet the market demand for cannabis flower and cannabis products.
- Promote a craft industry for cannabis flower and cannabis products.
- Prioritize growth and recovery in communities that have experienced a disproportionate, negative impact from cannabis prohibition.

✓ OCM governs the application and licensing process for cannabis and hemp businesses, specific requirements for each type of license and their respective business activities, and conducts enforcement and inspection activities across the Minnesota cannabis and hemp industries.

License Types

Minnesota law allows for **13** different types of business licenses, each fulfilling a unique role in the cannabis and hemp supply chain. In addition to license types below, OCM will also issue endorsements to license holders to engage in specific activities, including producing, manufacturing, and sale of medical cannabis for patients.

Microbusiness

✓ Microbusinesses may cultivate cannabis and manufacture cannabis products and hemp products, and package such products for sale to customers or another licensed cannabis business. Microbusiness may also operate a single retail location.

Mezzobusiness

✓ Mezzobusinesses may cultivate cannabis and manufacture cannabis products and hemp products, and package such products for sale to customers or another licensed cannabis business. Mezzobusiness may also operate up to three retail locations.

Cultivator

✓ Cultivators may cultivate cannabis and package such cannabis for sale to another licensed cannabis business.

Manufacturer

✓ Manufacturers may manufacture cannabis products and hemp products, and package such products for sale to a licensed cannabis retailer.

Retailer

✓ Retailers may sell immature cannabis plants and seedlings, cannabis, cannabis products, hemp products, and other products authorized by law to customers and patients.

Wholesaler

✓ Wholesalers may purchase and/or sell immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from another licensed cannabis business.

Wholesalers may also import hemp-derived consumer products and lower-potency hemp edibles.

License Types (continued)

✓ **Transporter**

Transporters may transport immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products to licensed cannabis businesses.

✓ **Testing Facility**

Testing facilities may obtain and test immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from licensed cannabis businesses.

✓ **Event Organizer**

Event organizers may organize a temporary cannabis event lasting no more than four days.

✓ **Delivery Service**

Delivery services may purchase cannabis, cannabis products, and hemp products from retailers or cannabis business with retail endorsements for transport and delivery to customers.

✓ **Medical Cannabis Combination Business**

Medical cannabis combination businesses may cultivate cannabis and manufacture cannabis and hemp products, and package 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.

✓ **Lower-Potency Hemp Edible Manufacturer**

Lower-potency hemp edible manufacturers may manufacture and package lower-potency hemp edibles for consumer sale, and sell hemp concentrate and lower-potency hemp edibles to other cannabis and hemp businesses.

✓ **Lower-Potency Hemp Edible Retailer**

Lower-potency hemp edible retailers may sell lower-potency hemp edibles to customers.

Each license is subject to further restrictions on allowable activities. Maximum cultivation area and manufacturing allowances vary by license type. Allowable product purchase, transfer, and sale between licensees are subject to restrictions in the law.

The Adult-Use Cannabis Law

Minnesota's new adult-use cannabis law permits the personal use, possession, and transportation of cannabis by those 21 years of age and older, and allows licensed businesses to conduct cultivation, manufacturing, transport, delivery, and sale of cannabis and cannabis products.

For Individuals



- **Possession limits:**
 - ✓ ◦ Flower - 2 oz. in public, 2 lbs. in private residence
 - ✓ ◦ Concentrate - 8 g
 - ✓ ◦ Edibles (including lower-potency hemp) - 800 mg THC
- ✓ • **Consumption** only allowed on private property or at licensed businesses with on-site consumption endorsements. Consumption not allowed in public.
- ✓ • **Gifting** cannabis to another individual over 21 years old is allowed, subject to possession limits.
- ✓ • **Home cultivation** is limited to four mature and four immature plants (eight total) in a single residence. Plants must be in an enclosed and locked space.
- ✓ • **Home extraction** using volatile substances (e.g., butane, ethanol) is not allowed.
- ✓ • **Unlicensed sales** are not allowed.

For Businesses

- ✓ • **Advertising:**
 - ✓ ◦ May not include or appeal to those under 21 years old.
 - ✓ ◦ Must include proper warning statements.
 - ✓ ◦ May not include misleading claims or false statements.
 - ✓ ◦ Billboards are not allowed.
- ✓ • The flow of all products through the supply chain must be tracked by the state-authorized **tracking system**.
- ✓ • All products sold to consumers and patients must be **tested for contaminants**.
- ✓ • **Home delivery** is allowed by licensed businesses.



The Cannabis Licensing Process

An applicant will take the following steps to proceed from application to active licensure. As described, processes vary depending on social equity status and/or whether the type of license being sought is capped or uncapped in the general licensing process.

License Preapproval: Early Mover Process for Social Equity Applicants

The license preapproval process is a one-time application process available for verified social equity applicants. State law requires OCM to open the application window on July 24, 2024, and close the window on August 12, 2024. The preapproval process is available for the following license types, and all are capped in this process: microbusiness, mezzobusiness, cultivator, retailer, wholesaler, transporter, testing facility, and delivery service.

Preapproval steps:

1. Applicant's social equity applicant (SEA) status verified.
2. Complete application and submit application fees.
3. Application vetted for minimum requirements by OCM.
4. Application (if qualified) entered into lottery drawing.
5. If selected in lottery, OCM completes background check of selected applicant and issues license preapproval.
6. Applicant with license preapproval* submits business location and amends application accordingly.
7. OCM forwards completed application to local government.
8. Local government completes certification of zoning compliance.
9. OCM conducts site inspection.
10. When regulations are adopted, license becomes active, operations may commence.

*For social equity applicants with license preapproval for microbusiness, mezzobusiness, or a cultivator license, they may begin growing cannabis plants prior to the adoption of rules if OCM receives approval from local governments in a form and manner determined by the office. This is only applicable to cultivation and does not authorize retail sales or other endorsed activities of the licenses prior to the adoption of rules.

The Cannabis Licensing Process (cont.)

The general licensing process will align with the adoption of rules and OCM will share more information about the timing of general licensing process. The general licensing process includes social equity applicants and non-social equity applicants.

General Licensing: Cultivator, Manufacturer, Retailer, Mezzobusiness

1. Complete application and submit application fees.
2. Application vetted for minimum requirements by OCM.
3. Application (if qualified) entered into lottery drawing.
4. If selected in lottery, OCM completes background check of selected applicant and issues preliminary approval.
5. Applicant with preliminary approval submits business location and amends application accordingly.
6. OCM forwards completed application to local government.
7. Local government completes certification of zoning compliance.
8. OCM conducts site inspection.
9. License becomes active, operations may commence.*

General Licensing: Microbusiness, Wholesaler, Transporter, Testing Facility, Event Organizer

1. Complete application and submit application fees.
2. Application vetted for minimum requirements by OCM.
3. For qualified applicants, OCM completes background check of vetted applicant and issues preliminary approval.
4. Selected applicant submits business location and amends application accordingly.
5. OCM forwards completed application to local government.
6. Local government completes certification of zoning compliance.
7. OCM conducts site inspection.
8. License becomes active, operations may commence.*

*For businesses seeking a retail endorsement (microbusiness, mezzobusiness, and retailer), a valid local retail registration is required prior to the business commencing any retail sales. See Page 16 for information on the local retail registration process.

General Authorities

Local governments in Minnesota have various means of oversight over the cannabis market, as provided by the adult-use cannabis law. Local governments may not issue outright bans on cannabis business, or limit operations in a manner beyond what is provided by state law.

Cannabis Retail Restrictions (342.13)

Local governments may limit the number of retailers and microbusiness/mezzobusinesses with retail endorsements allowed within their locality, as long as there is **at least one retail location per 12,500 residents**. Local units of government are not obligated to seek out a business to register as cannabis business if they have not been approached by any potential applicants, but cannot prohibit the establishment of a business if this population requirement is not met. Local units of government may also issue more than the minimum number of registrations. Per statutory direction, a municipal cannabis store (Page 19) cannot be included in the minimum number of registrations required. For population counts, the state demographer estimates will likely be utilized.

Tribal Governments (342.13)

OCM is prohibited from and will not issue state licenses to businesses in Indian Country without consent from a tribal nation. Tribal nations hold the authority to license tribal cannabis businesses on tribal lands – this process is separate than OCM's licensing process and authority. Subject to compacting, Tribal nations may operate cannabis businesses off tribal lands. There will be more information available once the compacting processes are complete.

Taxes (295.81; 295.82)

Retail sales of taxable cannabis products are subject to the state and local sales and use tax and a 10% gross receipts tax. Cannabis gross receipts tax proceeds are allocated as follows: 20% to the local government cannabis aid account and 80% to the state general fund. Local taxes imposed solely on sale of cannabis products are prohibited.

Cannabis retailers will be subject to the same real property tax classification as all other retail businesses. Real property used for raising, cultivating, processing, or storing cannabis plants, cannabis flower, or cannabis products for sale will be classified as commercial and industrial property.

General Authorities (cont.)

Retail Timing Restrictions (342.13)

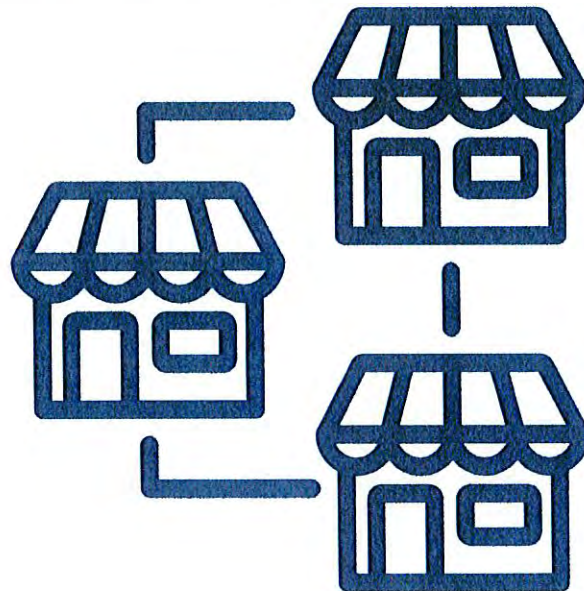
Local governments may prohibit retail sales of cannabis between the hours of 8 a.m. and 10 a.m. Monday-Saturday, and 9 p.m. and 2 a.m. the following day.

Operating Multiple Locations with One License

Certain cannabis licenses allow for multiple retail locations to be operated under a single license, with the following limitations:

- ✓ **Retailers:** up to five retail locations.
- ✓ **Mezzobusinesses:** up to three retail locations.
- ✓ **Microbusinesses:** up to one retail location.
- ✓ **Medical cannabis combination businesses:** one retail location per congressional district. Additionally, medical cannabis combination businesses may cultivate at more than one location within other limitations on cultivation.

For all other license types, one license permits the operation of one location. Each retail location requires local certification and/or registration.



Zoning and Land Use

Buffer Guidelines (342.13)

State law does not restrict how a local government conducts its zoning designations for cannabis businesses, except that they may prohibit the operation of a cannabis business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including playgrounds and athletic fields.

Zoning Guidelines

While each locality conducts its zoning differently, a few themes have emerged across the country. For example, cannabis manufacturing facilities are often placed in industrial zones, while cannabis retailers are typically found in commercial/retail zones. Cannabis retail facilities align with general retail establishments and are prohibited from allowing consumption or use onsite, and are also required to have plans to prevent the visibility of cannabis and hemp-derived products to individuals outside the retail location. Industrial hemp is an agricultural product, and should be zoned as such.

Cannabis businesses should be zoned under existing zoning ordinances in accordance with the license type or endorsed activities held by the cannabis business. Note that certain types of licenses may be able to perform multiple activities which may have different zoning analogues. In the same way municipalities may zone a microbrewery that predominately sells directly to onsite consumers differently than a microbrewery that sells packaged beer to retailers and restaurants, so too might a municipality wish to zone two microbusinesses based on the actual activities that each business is undertaking. Table 1, included on Pages 13 and 14, explains the types of activities that cannabis businesses might undertake, as well as, some recommended existing zoning categories.

Zoning and Land Use (cont.)

Table 1: Cannabis and Hemp Business Activities

Endorsed Activity	License Type Eligible to Do Endorsed Activity	Description of Activity	Comparable Districts	Municipal Considerations
Cultivation	Cultivator Mezzobusiness Microbusiness Medical Cannabis Combination	"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts.	Indoor: Industrial, Commercial, Production Outdoor: Agricultural	Odor Potential need for transportation from facility Waste, water, and energy usage Security
Cannabis Manufacturing, Processing, Extraction	Manufacturer Mezzobusiness Microbusiness Medical Cannabis Combination	This group of endorsed activities turn raw, dried cannabis and cannabis parts into other types of cannabis products, e.g. edibles or topicals.	Industrial, Commercial, Production	Odor Potential need for transportation from facility Waste, water, and energy usage Security
Hemp Manufacturing	Lower-Potency Hemp Edible (LPHE) Manufacturing	These business convert hemp into LPHE edible products.	Industrial, Commercial, Production	Odor Waste, water, and energy
Wholesale	Wholesale Cultivator Manufacturer Mezzobusiness Microbusiness Medical Cannabis Combination	This activity and 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.	Industrial, Commercial, Production	Need for transportation from facility Security

Zoning and Land Use (cont.)

Table 1: Cannabis and Hemp Business Activities (continued)

Endorsed Activity	License Type Eligible to Do Endorsed Activity	Description of Activity	Comparable Districts	Municipal Considerations
Cannabis Retail	Retail Mezzobusiness Microbusiness Medical Cannabis Combination	This endorsed activity and license types allow a business to sell cannabis and cannabis products directly to consumers.	Retail, Neighborhood Shopping Districts, Light Industrial, Existing districts where off-sale liquor or tobacco sales are allowed.	Micros may offer onsite consumption, similar to breweries. Micros and Mezzos may include multiple activities: cultivation, manufacture, and/or retail.
Transportation	Cannabis Transporter	This license type allows a company to transport products from one license type to another.		Fleet based business that will own multiple vehicles, but not necessarily hold a substantial amount of cannabis or cannabis products.
Delivery	Cannabis Delivery	This license type allows for transportation to the end consumer.		Fleet based business that will own multiple vehicles, but not necessarily hold a substantial amount of cannabis or cannabis products.
Events	Event Organizer	This license entitles license holder to organizer a temporary event lasting no more than four days.	Anywhere that the city permits events to occur, subject to other restrictions related to cannabis use.	On site consumption. Retail sales by a licensed or endorsed retail business possible.

Local Approval Process

Local governments play a critical role in the licensing process, serving as a near-final approval check on cannabis businesses nearing the awarding of a state license for operations. Once an applicant has been vetted by OCM and is selected for proceeding in the verification process, they are then required to receive the local government's certification of zoning compliance and/or local retail registration before operations may commence.



Local Certification of Zoning Compliance (342.13; 342.14)

Following OCM's vetting process, local governments must **certify** that the applicant with preliminary approval has achieved **compliance with local zoning ordinances** prior to the licensee receiving final approval from OCM to commence operations.

122.04(B) During the application and licensing process for cannabis businesses, OCM will notify a local government when an applicant intends to operate within their jurisdiction and request a certification as to whether a proposed cannabis business complies with local zoning ordinances, and if applicable, whether the proposed business complies with state fire code and building code.

122.04(B) According to Minnesota's cannabis law, a local unit of government has 30 days to respond to this request for certification of compliance. If a local government does not respond to OCM's request for certification of compliance within the 30 days, the cannabis law allows OCM to issue a license. OCM may not issue the final approval for a license if the local government has indicated they are not in compliance.

OCM will work with local governments to access the licensing software system to complete this zoning certification process.

Local Approval Process (cont.)

Local Retail Registration Process (342.22)

Once the licensing process begins, local government registration applies to cannabis retailers or other cannabis/hemp businesses seeking a retail endorsement. Local governments must issue a retail registration after verifying that:

- The business has a valid license or license preapproval issued by OCM.
- The business has paid a registration fee or renewal fee to the local government;
 - Initial registration fees collected by a local government may be \$500 or half the amount of the applicable initial license fee, whichever is less, and renewal registration fees may be \$1,000 or half the amount of the applicable renewal license fee, whichever is less.
- The business is found to be in compliance with Chapter 342 and local ordinances.
- If applicable, the business is current on all property taxes and assessments for the proposed retail location.

Local registrations may also be issued by counties if the respective local government transfers such authorities to the county.

Determining a Process for Limiting Retail Registrations

If a local government wishes to place a limitation on the number of retailers and microbusiness/mezzobusinesses with retail endorsements allowed within their locality (as long as there is at least one retail location per 12,500 residents, see Page 10), state law does not define the process for a local government's selection if there are more applicants than registrations available. A few options for this process include the use of a lottery, a first-come/first-serve model, a rolling basis, and others. Local governments should work with an attorney to determine their specific process for selection if they wish to limit the number of licensed cannabis retailers per 342.13. Local governments are not required to limit the number of licensed cannabis retailers.

Local Approval Process (cont.)

Local governments are permitted specific authorities for registration refusal and registration suspension, in addition to—and not in conflict with—OCM authorities.

Registration and Renewal Refusals

Local governments may refuse the registration and/or certification of a license renewal if the license is associated with an individual who, within five years of the license application, has been convicted of a felony or willful violation of a federal or state law or local ordinance related to the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage.



Local Registration Suspension (342.22)

Local governments may suspend the local retail registration of a cannabis business or hemp business if the business is determined to not be operating in compliance with a local ordinance authorized by 342.13 or if the operation of the business poses an immediate threat to the health and safety of the public. The local government must immediately notify OCM of the suspension if it occurs. OCM will review the suspension and may reinstate the registration or take enforcement action.

Expedited Complaint Process (342.13)

Per state law, OCM will establish an expedited complaint process during the rulemaking process to receive, review, read, and respond to complaints made by a local unit of government about a cannabis business. Upon promulgation of rules, OCM will publish the complaint process.

At a minimum, the expedited complaint process shall require the office to provide an initial response to the complaint within seven days and perform any necessary inspections within 30 days. Within this process, if a local government notifies OCM that a cannabis business poses an immediate threat to the health or safety of the public, the office must respond within one business day.

Inspections & Compliance Checks

Local governments are permitted specific business inspection and compliance check authorities, in addition to—and not in conflict with—OCM authorities.

Inspections and Compliance Checks (342.22)

Local governments must conduct **compliance checks** for cannabis and hemp businesses holding retail registration **at least once per calendar year**. These compliance checks must verify compliance with age verification procedures and compliance with any applicable local ordinance established pursuant to 342.13. OCM maintains inspection authorities for all cannabis licenses to verify compliance with operation requirements, product limits, and other applicable requirements of Chapter 342.

122.06



Municipal Cannabis Stores

As authorized in Chapter 342.32, local governments are permitted to apply for a cannabis retail license to establish and operate a municipal cannabis store.

State law requires OCM issue a license to a city or county seeking to operate a single municipal cannabis store if the city or county:

- Submits required application information to OCM,
- Meets minimum requirements for licensure, and
- Pays applicable application and license fee.



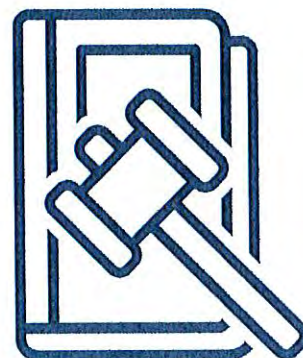
✓ A municipal cannabis store will not be included in the total count of retail licenses issued by the state under Chapter 342.

A municipal cannabis store cannot be counted as retail registration for purposes of determining whether a municipality's cap on retail registrations imposed by ordinance.

Creating Your Local Ordinance

As authorized in 342.13, a local government may adopt a local ordinance regarding cannabis businesses. Establishing local governments' ordinances on cannabis businesses in a timely manner is critical for the ability for local cities or towns to establish local control as described in the law, and is necessary for the success of the statewide industry and the ability of local governments to protect public health and safety. The cannabis market's potential to create jobs, generate revenue, and contribute to economic development at the local and state level is supported through local ordinance work. The issuance of local certifications and registrations to prospective cannabis businesses is also dependent on local ordinances.

- Local governments may not prohibit the possession, transportation, or use of cannabis, or the establishment or operation of a cannabis business licensed under state law.
- Local governments may adopt reasonable restrictions on the time, place, and manner of cannabis business operations (see Page 8).
- Local governments may adopt interim ordinances to protect public safety and welfare, as any studies and/or further considerations on local cannabis activities are being conducted, until January 1, 2025. A public hearing must be held prior to adoption of an interim ordinance.
- If your local government wishes to operate a municipal cannabis store, the establishment and operation of such a facility must be considered in a local ordinance.



Model Ordinance

For additional guidance regarding the creation of a cannabis related ordinance, please reference the addendum in this packet.

Additional Resources

OCM Toolkit for Local Partners

Please visit OCM webpage (mn.gov/ocm/local-governments/) for additional information, including a toolkit of resources developed specifically for local government partners. The webpage will be updated as additional information becomes available and as state regulations are adopted.

These resources are also included in the addendum of this packet.

Toolkit resources include:

- Appendix A: Model Ordinance
- Appendix B: Hemp Flower and Hemp-Derived Cannabinoid Product Checklist
- Appendix C: Enforcement Notice from the Office of Cannabis Management
- Appendix D: Notice to Unlawful Cannabis Sellers

Local Organizations

There are several organizations who also have developed resources to support local governments regarding the cannabis industry. Please feel free to contact the following for additional resources:

- League of Minnesota Cities
- Association of Minnesota Counties
- Minnesota Public Health Law Center

Appendix A: Model Ordinance

Cannabis Model Ordinance

The following model ordinance is meant to be used as a resource for cities, counties, and townships within Minnesota. The italicized text in red is meant to provide commentary and notes to jurisdictions considering using this ordinance and should be removed from any ordinance formally adopted by said jurisdiction. Certain items are not required to be included in the adopted ordinance: 'OR' and (optional) are placed throughout for areas where a jurisdiction may want to consider one or more choices on language.

Section 1	Administration
Section 2	Registration of Cannabis Business
Section 3	Requirements for a Cannabis Business (Time, Place, Manner)
Section 4	Temporary Cannabis Events
Section 5	Lower Potency Hemp Edibles
Section 6	Local Government as a Retailer
Section 7	Use of Cannabis in Public

AN ORDINANCE OF THE (CITY/COUNTY OF _____) TO REGULATE CANNABIS BUSINESSES

The (city council/town board/county board) of (city/town/county) hereby ordains:

Section 1. Administration

1.1 Findings and Purpose

(insert local authority) makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes (insert local authority) to protect the public health, safety, welfare of (insert local here) residents by regulating cannabis businesses within the legal boundaries of (insert local here).

(insert local authority) finds and concludes that the proposed provisions are appropriate and lawful land use regulations for (insert local here), 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.

1.2 Authority & Jurisdiction

A county can adopt an ordinance that applies to unincorporated areas and cities that have delegated authority to impose local zoning controls.

(insert local authority) 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.

Already
have

— 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 (insert local here).

(Optional) (insert city here) has delegated cannabis retail registration authority to (insert county here). However, (insert city here) may adopt ordinances under Sections (2.6, 3 and 4) if (insert county here) has not adopted conflicting provisions.

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 elected body of a jurisdiction can choose to designate an official to administer and enforce this ordinance.

The (insert name of local government or designated official) is 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. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

1.5 Definitions

1. 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.
2. 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 the office.
3. Cannabis Retail Businesses: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, (and/excluding) lower-potency hemp edible retailers.

4. 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.
5. 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.
6. Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.
7. Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
8. 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.
9. Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
10. 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.
11. Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.
12. Retail Registration: An approved registration issued by the (insert local here) to a state-licensed cannabis retail business.
13. 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.
14. State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

Section 2. Registration of Cannabis Businesses

A city or town can delegate authority for registration to the County. A city or town can still adopt specific requirement regarding zoning, buffers, and use in public places, provided said requirements are not in conflict with an ordinance adopted under the delegated authority granted to the County.

2.1 Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business within (insert local here) without first registering with (insert local here).

Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of (up to \$2,000) for each violation.

Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government.

or

If a state-licensed cannabis retail business seeks to move to a new location still within the legal boundaries of (insert local here), it shall notify (insert local here) of the proposed location change, and submit necessary information to meet all the criteria in this paragraph.

2.4 Renewal of Registration

The (insert local here) 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 (insert local here).

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

2.4.1 Renewal Fees.

The (insert local here) may charge a renewal fee for the registration starting at the second renewal, as established in (insert local here)'s fee schedule.

2.4.2 Renewal Application.

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

- Items required under Section 2.3.2 of this Ordinance.
- Insert additional items here

2.5 Suspension of Registration

2.5.1 When Suspension is Warranted.

The (insert local here) may suspend a cannabis retail business's registration if it violates the ordinance of (insert local here) or poses an immediate threat to the health or safety of the public. The (insert local here) shall immediately notify the cannabis retail business in writing the grounds for the suspension.

2.5.2 Notification to OCM.

The (insert local here) shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide (insert local here) and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

2.5.3 Length of Suspension.

A jurisdiction can wait for a determination from the OCM before reinstating a registration.

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.

2.2 Compliance Checks Prior to Retail Registration

A jurisdiction can choose to conduct a preliminary compliance check prior to issuance of retail registration.

Prior to issuance of a cannabis retail business registration, (insert local here) (shall/shall not) 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, (insert local here) shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

2.3 Registration & Application Procedure

2.3.1 Fees.

(insert local here) shall not charge an application fee.

A registration fee, as established in (insert local here)'s fee schedule, shall be charged to applicants depending on the type of retail business license applied for.

An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.

Any renewal retail registration fee imposed by (insert local here) shall be charged at the time of the second renewal and each subsequent renewal thereafter.

A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.

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.

2.3.2 Application Submittal.

The (insert local here) shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

(A) An applicant for a retail registration shall fill out an application form, as provided by the (insert local here). Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant;
- ii. Address, email address, and telephone number of the applicant;
- iii. The address and parcel ID for the property which the retail registration is sought;
- iv. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.
- v. (insert additional standards here)

(B) The applicant shall include with the form:

- i. the application fee as required in [Section 2.3.1];
 - ii. a copy of a valid state license or written notice of OCM license preapproval;
 - iii. (Insert additional standards here)
- (C) Once an application is considered complete, the (insert local government designee) shall inform the applicant as such, process the application fees, and forward the application to the (insert staff/department, or elected body that will approve or deny the request) for approval or denial.
- (D) The application fee shall be non-refundable once processed.

2.3.3 Application Approval

- (A) (Optional) 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 2.6.
- (B) 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.
- (C) A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

2.3.4 Annual Compliance Checks.

The (insert local here) shall complete at minimum one 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/these [chapter/section/ordinances].

The (insert local here) shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.

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 Office of Cannabis Management.

2.3.5 Location Change

A jurisdiction may decide to treat location changes as a new registration, or alternatively treat a location change as allowable subject to compliance with the rest of the registration process.

A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 2.3.2 if it seeks to move to a new location still within the legal boundaries of (insert local here).

The (insert local here) may reinstate a registration if it determines that the violations have been resolved.

The (insert local here) shall reinstate a registration if OCM determines that the violation(s) have been resolved.

2.5.4 Civil Penalties.

Subject to Minn. Stat. 342.22, subd. 5(e) the (insert local here) may impose a civil penalty, as specified in the (insert local here)'s Fee Schedule, for registration violations, not to exceed \$2,000.

2.6 Limiting of Registrations

A jurisdiction may choose to set a limit on the number of retail registrations within its boundaries. The jurisdiction may not however, limit the number of registrations to fewer than one per 12,500 residents.

(Optional) The (insert local here) shall limit the number of cannabis retail businesses to no fewer than one registration for every 12,500 residents within (insert local legal boundaries here).

(Optional) If (insert county here) has one active cannabis retail businesses registration for every 12,500 residents, the (insert local here) shall not be required to register additional state-licensed cannabis retail businesses.

(Optional) The (insert local here) shall limit the number of cannabis retail businesses to (insert number <= minimum required).

Section 3. Requirements for Cannabis Businesses

State Statutes note that jurisdictions may "adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business." A jurisdiction considering other siting requirements (such as a buffer between cannabis businesses, or a buffer from churches) should consider whether there is a basis to adopt such restrictions.

3.1 Minimum Buffer Requirements

A jurisdiction can adopt buffer requirements that prohibit the operation of a cannabis business within a certain distance of schools, daycares, residential treatment facilities, or from an attraction within a public park that is regularly used by minors, including a playground or athletic field. Buffer requirements are optional. A jurisdiction cannot adopt larger buffer requirements than the requirements here in Section 3.1. A jurisdiction should use a measuring system consistent with the rest of its ordinances, e.g. from lot line or center point of lot.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-1,000] feet of a school.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of a day care.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of a residential treatment facility.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

(Optional) The (insert local here) shall prohibit the operation of a cannabis retail business within [X] feet of another cannabis retail business.

Pursuant to Minn. Stat. 462.367 subd. 14, 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/attraction within a public park that is regularly used by minors) moves within the minimum buffer zone.

3.2 Zoning and Land Use

For jurisdictions with zoning, said jurisdiction can limit what zone(s) Cannabis businesses can operate in. As with other uses in a Zoning Ordinance, a jurisdiction can also determine if such use requires a Conditional or Interim Use permit. A jurisdiction cannot outright prohibit a cannabis business. A jurisdiction should amend their Zoning Ordinance and list what zone(s) Cannabis businesses are permitted in, and whether they are permitted, conditional, or interim uses. While each locality conducts its zoning differently, a few themes have emerged across the country. For example, cannabis manufacturing facilities are often placed in industrial zones, while cannabis retailers are typically found in commercial/retail zones. Cannabis retail facilities align with general retail establishments and are prohibited from allowing consumption or use onsite and are also required to have plans to prevent the visibility of cannabis and hemp-derived products to individuals outside the retail location. Cannabis businesses should be zoned under existing zoning ordinances in accordance with the license type or endorsed activities held by the cannabis business.

3.2.1. Cultivation.

Cannabis businesses licensed or endorsed for cultivation are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Cannabis Manufacturer.

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Hemp Manufacturer.

Businesses licensed or endorsed for low-potency hemp edible manufacturers permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Wholesale.

Cannabis businesses licensed or endorsed for wholesale are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Cannabis Retail.

Cannabis businesses licensed or endorsed for cannabis retail are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Cannabis Transportation.

Cannabis businesses licensed or endorsed for transportation are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Cannabis Delivery.

Cannabis businesses licensed or endorsed for delivery are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.3 Hours of Operation

A jurisdiction may adopt an ordinance limiting hours of operation between 10 a.m. and 9 p.m., seven days a week, and that State statute prohibits the sale of cannabis between 2 a.m. and 8 a.m., Monday through Saturday, and between 2 a.m. and 10 a.m. on Sundays.

(Optional) 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 (insert time here) and (insert time here).

3.4 (Optional) 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 (insert local here)'s sign ordinances.

Section 4. Temporary Cannabis Events

Any individual or business seeking to obtain a cannabis event license must provide OCM information about the time, location, layout, number of business participants, and hours of operation. A cannabis event organizer must receive local approval, including obtaining any necessary permits or licenses issued by a local unit of government before holding a cannabis event.

4.1 License or Permit Required for Temporary Cannabis Events

4.1.1 License Required.

A cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four days. A jurisdiction should determine what type of approval is consistent with their existing ordinances for events.

A license or permit is required to be issued and approved by (insert local here) prior to holding a Temporary Cannabis Event.

4.1.2 Registration & Application Procedure

A registration fee, as established in (insert local here)'s fee schedule, shall be charged to applicants for Temporary Cannabis Events.

4.1.3 Application Submittal & Review.

The (insert local here) shall require an application for Temporary Cannabis Events.

- (A) An applicant for a retail registration shall fill out an application form, as provided by the (insert local here). Said form shall include, but is not limited to:
 - i. Full name of the property owner and applicant;
 - ii. Address, email address, and telephone number of the applicant;
 - iii. (Insert additional standards here)
- (B) The applicant shall include with the form:
 - i. the application fee as required in (Section 4.1.2);
 - ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

The application shall be submitted to the (insert local authority), or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

- (C) Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the (insert staff/department, or elected body that will approve or deny the request) for approval or denial.

- (D) The application fee shall be non-refundable once processed.

- (E) The application for a license for a Temporary Cannabis Event shall meet the following standards:

A jurisdiction may establish standards for Temporary cannabis events which the event organizer must meet, including restricting or prohibiting any on-site consumption. If there are public health, safety, or welfare concerns associated with a proposed cannabis event, a jurisdiction would presumably be authorized to deny approval of that event.

- Insert standards here

(G) A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.

(H) A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The (insert city/town/county) shall notify the applicant of the standards not met and basis for denial.

(Optional) Temporary cannabis events shall only be held at (insert local place).

(Optional) Temporary cannabis events shall only be held between the hours of (insert start time) and (insert stop time).

Section 5. (Optional) Lower-Potency Hemp Edibles

A jurisdiction can establish different standards or requirements regarding Low-Potency Edibles. A jurisdiction can consider including the following section and subsections in their cannabis ordinance.

5.1 Sale of Low-Potency Hemp Edibles

The sale of Low-Potency Edibles is permitted, subject to the conditions within this Section.

5.2 Zoning Districts

If sales are permitted, a jurisdiction can limit what zone(s) the sales of Low-Potency Edibles can take place in. A jurisdiction can also determine if such activity requires a Conditional or Interim Use permit.

Low-Potency Edibles businesses are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

5.3 (Optional) Additional Standards

5.3.1 Sales within Municipal Liquor Store.

A jurisdiction that already operates a Municipal Liquor Store may sell Low-Potency Edibles within the same store.

The sale of Low-Potency Edibles is permitted in a Municipal Liquor Store.

5.3.2 Age Requirements.

A jurisdiction is able to restrict the sale of Low-Potency Edibles to locations such as bars.

The sale of Low-Potency Edibles is permitted only in places that admit persons 21 years of age or older.

5.3.3 Beverages.

The sale of Low-Potency Hemp Beverages is permitted in places that meet requirements of this Section.

5.3.4 Storage of Product.

A jurisdiction is able to set requirements on storage and sales of Low-Potency Edibles.

Low-Potency Edibles shall be sold behind a counter, and stored in a locked case.

Section 6. (Optional) Local Government as a Cannabis Retailer

(insert local here) 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 2.6.

(insert local here) shall be subject to all same rental license requirements and procedures applicable to all other applicants.

Section 7 Use in Public Places

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.

Appendix B: Hemp Flower and Hemp-Derived Cannabinoid Product Checklist



Office of Cannabis Management
Department of Health

Hemp Flower and Hemp-Derived Cannabinoid Product Checklist

Minnesota Statute 18K.02, Definitions
Minnesota Statute 152.01, Subdivision 9
Minnesota Statute 151.72, Sale of Certain Cannabinoid Products

Minnesota Statute 152.0264, Cannabis Sale Crimes
Minnesota Statute 342.09, Personal Adult Use of Cannabis

Question	Yes	No	Comments	Additional Information
Business License and Registration Compliance				
Is the business registered with the Minnesota Department of Health?				All businesses selling hemp-derived cannabinoid products must be registered. See Hemp-Derived Cannabinoid Products (www.health.state.mn.us/people/cannabinis/edibles/index.html)
If the business offers on-site consumption, do they have a liquor license?				Local authorities issue on-site consumption licenses. These are required for all businesses permitting on-site consumption of THC.
Product Compliance – All Products				
Does the business ensure that all sales are made to persons 21 years old or older?				Only persons 21 years of age or older may purchase hemp-derived cannabinoid products, with the exception of topicals. These products may be sold to anyone.
Does the business have all edible cannabinoid products, except beverages, behind the counter or in a locked cabinet?				Businesses must ensure all edible cannabinoid products are secure and inaccessible to customers.

Question	Yes	No	Comments	Additional Information
Only delta-8 and delta-9 are allowed for human consumption. Does the business sell edibles or beverages with any other intoxicating cannabinoids?				MDH has identified products containing many different intoxicating cannabinoids, such as HHC, THC-O, THC-P, PHC, delta-10, delta-11, delta-8p, delta-9p, etc. The product must contain only delta-8 and/or delta-9.
Does the business sell any edible products that are similar to a product marketed to or consumed by children?				Edible products that appear similar to candy or snacks marketed toward or consumed by children are not allowed.
Does the label on the edible or beverage state "Keep out of reach of children"?				All products must include the warning label "Keep out of reach of children."
Is the manufacturer's name, address, website, and contact phone number included on the label or provided through a QR code?				If not, the product is not in compliance.
Does the QR code on the product bring the user to a Certificate of Analysis on the website, which includes the name of the independent testing laboratory, cannabinoid profile, and product batch number?				All products must be tested by batch in an independent, accredited laboratory. The results must include the cannabinoid profile.
Does the label on the product indicate the cannabinoids by serving and in total?				The label must indicate the potency by individual serving as well as in total.

Question	Yes	No	Comments	Additional Information
Does the label on the product make any claim the product offers any kind of health benefit?				Health claims are not permitted on hemp or cannabis products unless approved by the FDA. At this time, there is not an approved statement.
Does the label on the product state that the product does not claim to diagnose, treat, cure or prevent any disease?				The manufacturer cannot claim the product will provide any health benefit unless the product has been formally approved by the FDA.
Does the business sell CBD (or other forms of cannabidiol) in the form of a softgel, tablet, or tincture?				Non-intoxicating cannabinoids may only be sold in the form of an edible, beverage, or topical. Therefore, softgels and tablets cannot be sold. Tinctures must be labeled as either an edible or beverage and comply with the edible or beverage requirements.
Product Compliance – Edibles				
Does the edible product contain more than 5 mg delta-8 and/or delta-9 per serving?				Edibles may not exceed 5 mg delta-8 and/or delta-9 per serving.
Does the edible product package/container contain more than 50 mg total THC (delta-8 and/or delta-9)?				Edibles may not exceed 50 mg total delta-8 or delta-9 per package. The edible cannot contain any other form of THC or intoxicating cannabinoid.
Are all the edible product's servings clearly marked, wrapped, or scored <u>on</u> the product?				Edible product servings must be clearly distinguished on the product. Bulk products that require the consumer to measure are not allowed.

Question	Yes	No	Comments	Additional Information
Does the business sell any edible products in the shape of bears, worms, fruits, rings, ribbons?				Edibles in shapes that appeal to children are not allowed.
Is the edible product in a child-proof, tamper-evident, opaque container?				All edibles must be in a container that is child-resistant and tamper evident. If the container is clear, the business must place the edible into an opaque bag at the point of sale. Clear bags are not allowed.
Product Compliance - Beverages				
Does the beverage product contain more than 5 mg delta-8 or delta-9 per serving?				Beverages may not exceed 5 mg delta-8 and/or delta-9 per serving.
Does the beverage product contain more than 2 servings?				Beverages cannot exceed two servings, regardless of the THC potency.
Is the beverage product in an opaque container?				If the beverage is in a clear container, the business must place the beverage in an opaque bag at the point of sale.
Product Compliance – Smokables (non-flower)				
Does the business sell vapes, pre-rolls, dabs, or other smokable products which contain more than 0.3% THC?				A product's certificate of analysis will show the concentration of THC the product contains. The certificate typically is found through the QR code on the product package. In MDH's experience, most vapes contain 50% - 90%+ THC. Pre-rolls may consist of raw hemp flower. These products are not regulated by 151.72. However, if a pre-roll is labeled as "infused" or "coated" have additional cannabinoids applied to the material, of which the product typically exceeds the 0.3% THC limit.

Question	Yes	No	Comments	Additional Information
Does the business sell vapes, pre-rolls, dabs, or other smokeable products that contain other intoxicating cannabinoids, such as HHC?				MIN Statutes do not allow any cannabinoid, other than delta-8 or delta-9, to be sold if the cannabinoid is intended to alter the structure or function of the body. HHC is a cannabinoid known to have potency greater than THC.
Does the business sell vapes, pre-rolls, dabs, or other smokable products which contain CBD?				Non-intoxicating cannabinoids cannot be smoked, vaped, or inhaled.
Product Compliance – Flower				
Does the business sell raw hemp flower?				<p>Raw hemp flower must contain 0.3% or less of delta-9 on a dry weight basis. Products exceeding 0.3% delta-9 dry weight are marijuana, and are illegal for sale.</p> <p>THC-A is the non psychoactive precursor to delta-9. Once heated THC-A converts to delta-9. In that process some amount of THC-A is lost.</p> <p>To determine whether, once heated, the hemp flower will exceed the allowable 0.3% of delta-9, one can use a decarboxylation formula which takes into account the conversion of THC-A into delta-9.</p> <p>That formula is as follows: $\text{Total THC} = (0.877 \times \text{THC-A}) + \text{d-9 THC}$</p> <p>Raw flower must include a certificate of analysis to show testing below 0.3% delta-9.</p> <ul style="list-style-type: none"> A lack of a certificate of analysis would constitute an illegal sale.

Question	Yes	No	Comments	Additional Information
				<ul style="list-style-type: none"> A certificate of analysis showing that under the decarboxylation formula that delta-9 would exceed the 0.3% threshold would also indicate the flower is cannabis and not hemp and therefore being sold illegally.
Product Compliance – On-Site Consumption				
If the business offers on-site consumption, do they serve the edible or beverage in its original packaging?				The business may not pour out or remove an edible from its original packaging.
If the business offers on-site consumption, do they mix a cannabis-infused beverage with alcohol?				The business may not mix cannabis-infused products with alcohol.
If the business offers on-site consumption, do they permit customers to remove from the premises products which have been removed from their original packaging?				Products which have been removed from their original packaging cannot be removed from the premises by the customer.

NOTE: If a person suspects that a hemp-derived cannabinoid product is being sold in violation of Minnesota law, they can use the complaint form at [Submitting Hemp-Derived Cannabinoid Product Complaints \(www.health.state.mn.us/people/cannabis/edibles/complaints.html\)](http://www.health.state.mn.us/people/cannabis/edibles/complaints.html).

Appendix C: Enforcement Notice from the Office of Cannabis Management

Enforcement Notice from the Office of Cannabis Management

Dear Registered Hemp Derived Cannabinoid Business:

The Office of Cannabis Management (OCM), established in 2023, is charged with developing and implementing the operational and regulatory systems to oversee the cannabis industry in Minnesota as provided in Minnesota Statutes Chapter 342.

When Minnesota legalized the sale of adult-use of cannabis flower, cannabis products, and lower-potency hemp edibles/ hemp-derived consumer products, the Minnesota Legislature included statutory provisions, [Minnesota Statutes, chapter 152.0264](#), making the sale of cannabis illegal until a business is licensed by OCM. The Office of Cannabis Management has not yet issued licenses for the cultivation, manufacture, wholesale, transportation or retail sale of cannabis, therefore any retail sales of cannabis products, including cannabis flower, are illegal.

The Office of Cannabis Management has received complaints of retailers selling cannabis flower under the label of hemp flower. Under an agreement between The Minnesota Department of Health (MDH) and OCM, inspectors from MDH will begin to examine any flower products being sold during their regular inspections to determine whether they are indeed hemp flower or cannabis flower.

In distinguishing between hemp and cannabis flower, OCM, consistent with federal rules and regulations related to hemp under 7 CFR 990.1, will consider the total concentration of THC post- decarboxylation, which is the process by which THC-A is converted into Delta-9 to produce an intoxicating effect. The examination of raw flower products will include reviewing the certificate of analysis for compliance in several areas, including:

Compliance with the requirement that raw flower listed for sale includes a Certificate of Analysis (COA). Products for sale without a COA will constitute an illegal sale.

A COA that affirms concentrations of 0.3% or less of Delta-9 on a dry weight basis. Products exceeding 0.3% Delta-9 dry weight are considered marijuana and are therefore illegal to sell.

A COA that confirms that the total levels of Delta-9 and THC-A after the decarboxylation process do not exceed 0.3%. A COA that indicates the raw flower will exceed 0.3 percent Delta-9 post-decarboxylation, or a subsequent test conducted by an independent laboratory utilized by OCM that confirms Delta-9 in excess of 0.3 percent will be considered illegal.

[Minnesota Statutes, Chapter 342](#) governs Minnesota's cannabis market, and empowers OCM to ensure regulatory compliance. [Minnesota Statutes, chapter 342.09, subdivision 4](#) prohibits the retail sale of cannabis flower and cannabis products "without a license issued under this chapter that authorizes the sale."

To date, the Office of Cannabis Management has not issued any cannabis licenses, applications for licenses are expected to be available in the first half of 2025. As such, selling cannabis is a clear violation of law. Be aware that under Minnesota Statutes, 342.09, subdivision 6, OCM may assess fines in excess of a \$1 million for violations of this law. Likewise, under Minnesota Statutes, chapter 342.19, OCM is empowered to embargo any product that it has “probable cause to believe . . . is being distributed in violation of this chapter or rules adopted under this chapter[.]” Furthermore, violations of law may be considered in future licensing decisions made by OCM.

As inspectors enter the field, we encourage you to review the products you are currently selling to ensure they fall within the thresholds outlined above. If you have any questions related to the products you are selling, please send an email to cannabis.info@state.mn.us.

Thank you for your attention to this matter.

A handwritten signature in cursive script, appearing to read "Charlene Briner", with a long horizontal flourish extending to the right.

Charlene Briner
Interim Director
Office of Cannabis Management

Appendix D: Notice to Unlawful Cannabis Sellers

Notice to Unlawful Cannabis Sellers

This notice is to inform you that your current course of action may run afoul of Minnesota law, and continuing this course of action may result in civil actions and potential criminal prosecution. To avoid such outcomes, you should immediately cease and desist any plans to engage in the unlicensed sale of cannabis and cannabis products.

[Minnesota Statutes, Chapter 342 \(www.revisor.mn.gov/statutes/cite/342\)](http://www.revisor.mn.gov/statutes/cite/342) governs Minnesota's cannabis market, and empowers OCM to ensure regulatory compliance. [Minnesota Statutes, chapter 342.09, subdivision 4 \(www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.4\)](http://www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.4) prohibits the retail sale of cannabis flower and cannabis products "without a license issued under this chapter that authorizes the sale." To date the Office of Cannabis Management has not issued any retail, or other, cannabis licenses. As such, your plan to sell cannabis in a retail setting at this date would be in flagrant violation of the law. Be aware that under [Minnesota Statutes, 342.09, subdivision 6 \(www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.6\)](http://www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.6), OCM may assess fines in excess of a \$1,000,000 for violations of this law.

Likewise, under [Minnesota Statutes, chapter 342.19 \(www.revisor.mn.gov/statutes/cite/342.19\)](http://www.revisor.mn.gov/statutes/cite/342.19), OCM is empowered to embargo any product that it has "probable cause to believe . . . is being distributed in violation of this chapter or rules adopted under this chapter[.]" It is believed that products attempted to be sold at your retail location might be distributed in violation of the law, and would therefore be subject to embargo by OCM. Under [Minnesota Statutes, chapter 342.19, subd. 2 \(www.revisor.mn.gov/statutes/cite/342.19#stat.342.19.2\)](http://www.revisor.mn.gov/statutes/cite/342.19#stat.342.19.2), once embargoed OCM "shall release the cannabis plant, cannabis flower, cannabis product, artificially derived cannabinoid, lower-potency hemp edible, or hemp-derived consumer product when this chapter and rules adopted under this chapter have been complied with or the item is found not to be in violation of this chapter or rules adopted under this chapter."

While Minnesota has legalized the sale of adult-use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products, the legislature did add new statutory provisions, [Minnesota Statutes, chapter 152.0264 \(www.revisor.mn.gov/statutes/cite/152.0264\)](http://www.revisor.mn.gov/statutes/cite/152.0264), making illegal the unlawful sale of cannabis. As there are not yet any licenses issued by OCM for the cultivation, manufacture, wholesale, transportation, or retail of cannabis, any sales of cannabis products in excess of the limits in 152.0264 is illegal.

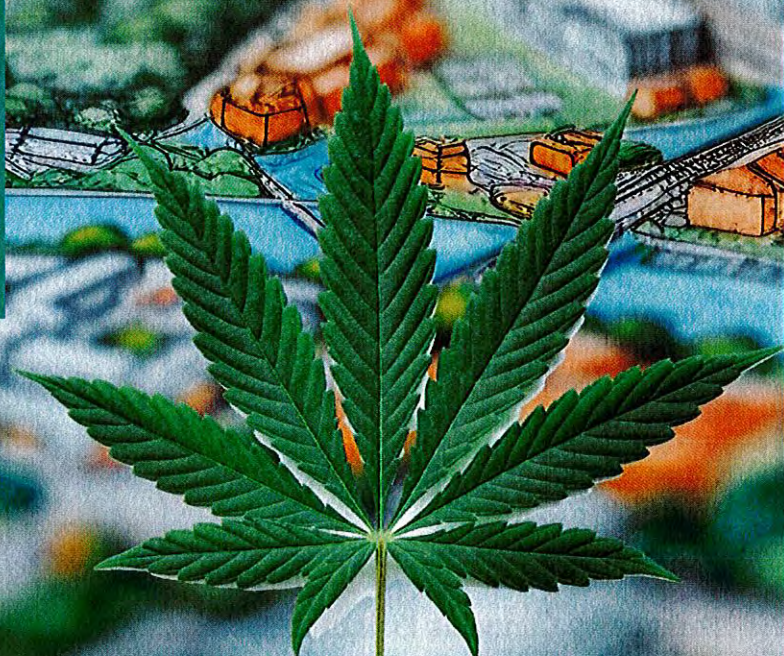
If you are only planning to sell cannabinoid products that are derived from hemp, you should ensure that the sale of those products is consistent with [Minnesota Statutes, chapter 151.72 \(www.revisor.mn.gov/statutes/cite/151.72\)](http://www.revisor.mn.gov/statutes/cite/151.72), including but not limited to the requirement that your business be registered with the Commissioner of Health, and that all products are in compliance with the relevant statutes.

Finally, in addition to the state laws outlined above, please be aware that any retail location must be in compliance with local government ordinances and zoning requirements.

OCM takes seriously its charge to enforce Minnesota Statutes, Chapter 342, and its responsibility to ensure a safe and legal cannabis market. In order to avoid the above-described actions, all attempts to open a cannabis retail dispensary in Minnesota without the appropriate license should be ceased.

CANNABIS PLANNING & ZONING

for MINNESOTA COUNTIES



Association of
Minnesota Counties

April 2024

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INTRODUCTION & PURPOSE

The 2023 cannabis legalization law allows Minnesota counties to adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business or hemp business as long as the restrictions do not prohibit the establishment or operation of a cannabis or hemp business. Local governments in other legalization states have adopted and implemented differing regulations on cannabis businesses that Minnesota local governments may want to consider.

Minnesota state agencies are currently working on administrative rules which may impact how local governments regulate cannabis businesses. Ideally, counties would wait for the rules to be adopted to draft their local regulations, but these rules will not be completed until later in 2024. A county may want to begin soon to analyze, deliberate, and decide on if and how it wants to regulate cannabis businesses in its jurisdiction given the short timeline between the adoption of state administrative rules and beginning of legal sales.

STATE STATUTE ANALYSIS

The cannabis legalization law delineates a number of policy areas that will receive additional specifications in state administrative rules. Administrative rules will likely be created during the summer of 2024 on a number of issues that may impact local planning and zoning standards including solid waste, security, lighting, water standards, energy use, solid waste, and odor. The chart below highlights some of these standards for cannabis cultivators, manufacturers, and retail businesses.

Cultivation and Manufacturing Performance Standards:	Cannabis Cultivator and Manufacturer Requirements:
Security & Lighting	According to MN Statutes 2023 Sec. 342.25 Subd. 7 , indoor and outdoor cultivator businesses are subject to the security, fencing, lighting, and any other requirements established by state administrative rules.
Wastewater	According to MN Statutes 2023 Sec. 342.28 Subd. 3 , an applicant for a cultivator and manufacturer license must submit to the state: an operating plan demonstrating the proposed size and layout of the cultivation facility; plans for wastewater and waste disposal for the cultivation facility; plans for providing electricity, water, and other utilities necessary for the normal operation of the cultivation facility [...]
Ventilation & Filtration	According to MN Statutes 2023 Sec. 324.24 Subd. 4 , a cannabis business must maintain a ventilation and filtration system sufficient to meet the requirements for odor control established by state administrative rules.
Solid Waste	According to MN Statutes 2023 Sec. 342.25 Subd. 4 , a cultivator business must prepare, maintain, and execute a solid waste disposal plan. MN Statutes 2023 Sec. 342.08 Subd. 3 notes administrative rules will be created for appropriate disposal of cannabis plant matter, packaging, and other solid waste of all cannabis businesses.

Put in Ord.

Retail Performance Standards:	Cannabis Retail, Microbusiness, and Mezzobusiness Requirements:
Security	According to MN Statutes 2023 Sec. 342.27 Subd. 9 , a cannabis retail business shall maintain compliance with security requirements established by the state, including but not limited to requirements for maintaining video surveillance records, using specific locking mechanisms, establishing secure entries, and the number of employees working at all times.
Lighting	According to MN Statutes 2023 Sec. 342.27 Subd. 10 , a cannabis retail business must keep all lighting outside and inside the dispensary in good working order and of sufficient wattage for security cameras.
Wastewater	According to MN Statutes 2023 Sec. 342.29 Subd. 3 , an applicant for a cannabis mezzobusiness license must submit to the state an operating plan demonstrating the proposed layout of the facility, including a diagram of ventilation and filtration systems; plans for wastewater and waste disposal for any cultivation or manufacturing activities; plans for providing electricity, water, and other utilities necessary for the normal operation of any cultivation or manufacturing activities [...]
Ventilation & Filtration	According to MN Statutes 2023 Sec. 324.24 Subd. 4 , a cannabis business must maintain a ventilation and filtration system sufficient to meet the requirements for odor control established by state administrative rules.
Solid Waste	According to MN Statutes 2023 Sec. 342.08 Subd. 3 , administrative rules will be created for appropriate disposal of cannabis plant matter, packaging, and other solid waste of all cannabis businesses.

RETAIL CANNABIS BUSINESSES

Registering Retail Businesses

Cannabis retail businesses, including mezzobusiness, microbusinesses, medical combination businesses, and lower-potency hemp edible retailers must register with the local government where its establishment is located before starting sales to customers. Cities and towns may delegate their registration authority to the county. Local governments do not register non-retail cannabis businesses.

Local governments may charge a registration fee, but not an application fee for retail businesses. The registration fee amount varies depending on the type of retail business license. Before issuing a retail registration, the local unit of government may conduct a preliminary compliance check to ensure that the cannabis business or hemp business is in compliance with the applicable operation requirements and the limits on the types of products that may be sold.

Local governments must renew a registration at the same time the state renews the retail business' license. The local government may charge a renewal fee for the registration starting at the second renewal. If the local government registers retail businesses it must complete an annual compliance check assessing if the business meets age verification requirements, operation requirements, and the applicable limits on the types of products being sold.

Local governments may suspend a retail cannabis business's registration if it violates local regulations or poses an immediate threat to the health or safety of the public. The suspension can be for up to 30 days, unless the State suspends the license for a longer period. The business may not make sales to customers if their registration is suspended. The local government must immediately notify the Office of Cannabis Management (OCM) of the suspension so the OCM can investigate the violation.

Limiting Retail Registrations

Local governments may adopt an ordinance that limits the number of licensed retail cannabis businesses, mezzobusinesses, and microbusinesses to one per 12,500 residents. If a county has one active registration for every 12,500 residents, a city or town within the county is not obligated to register a cannabis business. If a county does not have an ordinance limiting retail cannabis businesses, it must register any business that applies and meets local regulations in the areas where they have registration authority, unincorporated land and cities or towns that have delegated registration authority to the county. Appendix B includes four scenarios for how the population rule and decisions by the county and its cities and towns may impact the number and location of retail cannabis businesses.

City or Town Registration Delegation

Counties should begin consulting with their cities and towns on how their jurisdictions plan to incorporate cannabis retail businesses into their communities. This is especially important in counties that receive delegation authority for registering retail businesses on behalf of its cities or towns. Even if a city or town does not register retail businesses, the local jurisdiction may have local regulations that affect the time, place, or manner of a retail business's operation. Counties and their cities and towns should decide on a process for the county to confirm with its local jurisdictions that a retail business applicant meets the city's or town's local regulations before issuing a registration.

INCORPORATING CANNABIS BUSINESSES INTO ZONING DISTRICTS

Counties will need determine which cannabis businesses will be permitted in the different zoning districts county and if the businesses will need conditional or interim use permits. This may vary for cultivation, manufacturing and retail.

Counties should note that many cultivation businesses will operate indoors rather than growing cannabis in open fields like other crops. Indoor cultivation practices have prompted some jurisdictions in other states to categorize cannabis cultivation as “light industrial” rather than “agricultural”. Regardless of cannabis cultivation as an agricultural operation, the business site will need to implement various performance standards, like security regulations, not typically applied to open-field crop operations.

SITING

Local governments may “adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business.” In addition, the cannabis legalization law gives a few specifics. A local unit of government may prohibit the operation of cannabis or hemp businesses within:

- 1,000 feet of a school,
- 500 feet of a day care,
- 500 feet of a residential treatment facility, or
- 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

Counties may regulate the siting of cannabis businesses based on their responsibility to ensure the public health, safety, and welfare of county residents. Jurisdictions in other states restrict cannabis businesses from locations that encourage access or interest of certain populations such as juveniles and individuals with substance use disorders. These provisions may include restricting businesses from operating near churches, libraries, recreational centers, halfway houses, etc. The above locational restrictions are set forth in State law. While adding additional locational restrictions with respect to additional uses presents the potential for an argument they are not authorized by law, it would seem there would be additional “place” restrictions; provided a good record is made of the basis for the need for any locational restriction beyond those in the statute.

Counties may also consider siting regulations pertaining to proximity to other cannabis businesses; whether aiming to have one concentrated area with all related businesses or spaced out in the community. Counties may also want to consider proximity to other businesses that place similar strains on the community such as traffic congestion, electrical grid congestion or high-water use.

Below are a few examples of siting regulations implemented in jurisdictions in other states. These examples are not recommendations, but language the county can consider while deliberating what is best in their community. Counties should consult with legal counsel prior to adopting an ordinance.

Distance From Other Types of Businesses and Public Spaces

Summit County, Colorado¹

Marijuana Businesses-Proximity to Other Land Uses: [...]Distances shall be computed by direct measurement from the nearest property line of the land use listed below to the nearest portion of the building of the marijuana business. Distances shall be verified by the applicant and confirmed by the Local Licensing Authority via a method deemed acceptable by the County. At a minimum, no marijuana business shall be located within the following distances from the specified land uses listed below: 1. 50 feet of property being used for a residential use, property in a residential zoning district, and a property with a residential use in a PUD; 2. 1,000 feet of a licensed childcare facility or residential childcare facility; 3. 1,000 feet of any elementary school, middle school, high school, college or university either public or private; 4. 500 feet of a halfway house or correctional facility; 5. 500 feet of another marijuana business;

Adams County, Colorado²

Locations of Marijuana Hospitality Businesses or Retail Marijuana Hospitality and Sales Businesses

No Hospitality Business shall be located within 1,000 feet of any existing public or private elementary, middle junior high or high school, state licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, or public housing facility.

No Hospitality Business shall be located within 100 feet of any existing house of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house, or correctional facility.

No Hospitality Business shall be located within 50 feet of any residentially zoned or used property.

No Hospitality Business shall be located within five miles of any other Hospitality Business.

Hospitality Businesses shall only be allowed in the following Zone Districts: all industrial zone districts, Commercial-3, Commercial-4, and Commercial-5

¹ <https://www.summitcountyco.gov/DocumentCenter/View/9234/Marijuana-Regs?bidId=>

² <https://www.adcogov.org/sites/default/files/Ordinance%20No.%2015.PDF>

*Park County, Colorado*³

Section 13. Location Criteria

- a. No medical marijuana establishment shall be located at the following locations:
- b. Within 500 feet of a licensed child care facility;
 - i. Within 500 feet of any educational institution or school, college or university, either public or private;
 - ii. Within 500 feet of any public park, public pool, or public or private recreational facility;
 - iii. Within 500 feet of any halfway house or correctional facility;
 - iv. Within 1000 feet of any dual operation marijuana business (medical and retail marijuana stores only);
 - v. Within any building or structure that contains a residential unit; or
 - vi. Upon any County owned property
 - vii. Within one (1) mile of any municipal boundary at the time of application submittal unless the governing body of such municipality waives, in writing, any objection to the location of the proposed medical marijuana establishment.

Distance from Similar Types of Businesses

*City of Cleveland, Mississippi*⁴

Section 2- Zoning and Distance Restrictions

The licensed premises shall not be located within a one-thousand-five-hundred (1500) feet radius from the main point of entry of the dispensary to the main point of another medical dispensary.

*Arapahoe County, Colorado*⁵

Section III. Marijuana Establishments

[...] No more than four (4) commercial marijuana stores are permitted to operate within unincorporated Arapahoe County. The establishment and operation of all other marijuana businesses within unincorporated Arapahoe County is prohibited.

³ <https://www.parkco.us/DocumentCenter/View/2893/Medical-Marijuana-Ordinance-16-03?bidId=>

⁴ <https://cityofclevelandms.com/DocumentCenter/View/360/An-Ordinance-Allow-for-the-Licensing-of-and-Establishing-Regulations-for-Medical-Cannabis-Dispensaries-PDF>

⁵ <https://www.arapahoe.gov/DocumentCenter/View/11285/AC-Ord-2022-01-Establish-Limited-Com-Marijuana-Stores---effective-12-16-22?bidId=>

PERFORMANCE STANDARDS

The cannabis law also permits counties to implement “reasonable restrictions” on the manner of cannabis business operations. Counties may consider applying common performance standards on cannabis operations. In jurisdictions in other states, counties and cities have established standards related to odor, security, lighting, and traffic management.

Odor & Ventilation

A primary concern for counties and cities with cannabis legalization in other states is odor control related to cultivation and manufacturing businesses. These facilities often have a distinct, unpleasant odor, similar in pungency to those of feedlots. Counties in other states have passed ordinances establishing odor and air quality control standards to ensure clean air for the community. Rather than adding a performance standard specific to odor, counties may consider limiting density to limit the intensity of smell.

Below are a few examples of odor control regulations implemented in jurisdictions in other states. These examples are not recommendations, but language the county can use while deliberating what is best in their community. Counties should consult with legal counsel prior to adopting an ordinance.

Sonoma County, California⁶

Air Quality and Odor. All indoor and mixed light cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold. All cultivation sites shall utilize dust control measures on access roads and all ground disturbing activities.

El Dorado County, California⁷

Odor. Commercial cannabis activities, including but not limited to cultivating, drying, curing, processing, manufacturing, testing, and storing of cannabis, shall not adversely affect the health, safety, or enjoyment of property of persons residing near the property on which the commercial cannabis activity occurs due to odor that is disturbing to people of normal sensitivity. Any cannabis odor shall not be equal or greater than a 7 dilution threshold (“DT”) when measured by the County with a field olfactometer at the property line on which the commercial cannabis activity occurs for a minimum of two olfactometer observations not less than fifteen minutes apart within a one hour period (“7 DT one hour”). If the odor from a

⁶<https://sonomacounty.ca.gov/Main%20County%20Site/Administrative%20Support%20%26%20Fiscal%20Services/CAO/Documents/Projects/Cannabis/2018%20Final%20Cannabis%20Ordinance%20with%20Attachments%20ORD%206245.pdf>

⁷<https://www.edcgov.us/Government/planning/ordinances/Documents/Cannabis%20Ordinance%205111%20%28Measures%20R%20and%20S-Indoor%20Uses%29.pdf>

commercial cannabis activity violates this subsection, the permittee must reduce the odor below the 7 DT one hour at property line threshold within the time required by the County.

Notwithstanding the prior issuance of a permit, the County may require installation of one or more odor control options, which may include but are not limited to the use of activated carbon filtration or equivalent odor abatement control equipment on air exhaust, a vapor-phase odor control system, increasing the required setback, growing fewer plants, or growing only low odor cannabis strains. Installation of certain odor control options may require a permit. Any such notice requiring the use of one or more odor control options will provide a deadline for completion and the dilution threshold will be retested upon expiration of that deadline. The continued odor in excess of 7 DT one hour upon retesting will constitute a violation of this section subject to enforcement, abatement, and revocation of the Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100 and Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit).

*City of Hillsboro, Oregon*⁸

Odor Mitigation Measures Required. Production and processing facilities shall install and maintain enhanced ventilation systems designed to prevent detection of marijuana odor from adjacent properties or the public right-of-way. Such systems shall include the following features:

- A. Installation of activated carbon filters on all exhaust outlets to the building exterior;
- B. Location of exhaust outlets a minimum of 10 feet from the property line and 10 feet above finished grade; and
- C. Maintenance of negative air pressure within the facility; or
- D. d. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.

⁸ https://library.qcode.us/lib/hillsboro_or/pub/municipal_code/item/chapter_12-subchapter_12_40-12_40_194#:~:text=Odor%20Mitigation%20Measures,carbon%20filtration%20system.

Security

According to [MN Statutes 2023 Sec. 342.25 Subd. 7](#), of the cannabis legalization law, a cannabis business must maintain and follow a security plan to deter and prevent the theft or diversion of cannabis plants into the illicit market; unauthorized entry into the cannabis business; and the theft of currency. Counties as a public safety and public health authority have an interest in establishing security expectations for cannabis business as a reasonable restriction on the manner of operations.

Below are a few examples of security regulations implemented in jurisdictions in other states. These examples are not recommendations, but language the county can consider while deliberating what is best in their community. Counties should consult with legal counsel prior to adopting an ordinance.

Monterey County, California⁹

Retailers shall implement and maintain sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products in compliance with Section 26070 of the California Business and Professions Code and any rules promulgated by the licensing authority. Security measures shall include, but are not limited to, the following:

- A. Prevent individuals from loitering on the premises of the retailer if they are not engaging in activity expressly related to the operations of the retailer;
- B. Establish limited access areas accessible only to authorized dispensary personnel;
- C. Store all cannabis and cannabis products in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis and cannabis products used for display purposes, samples or immediate sale;
- D. Install security cameras on site; and
- E. e. Provide for on-site security personnel meeting the requirements and standards contained within [Chapter 7.30](#) of the Monterey County Code. Onsite security shall not carry firearms or other lethal weapons.

Josephine County, Oregon¹⁰

5.35.070 Security cameras and lighting.

- A. If utilized, on-site security cameras shall be directed to record only the subject property and public right-of-way, except as required to comply with licensing requirements of the OLCC or registration requirements of the OHA.
- B. Light cast by light fixtures inside a building used for a marijuana business shall not be visible outside the building between the hours of 7:00 p.m. to 7:00 a.m.
- C. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m.

⁹https://library.municode.com/ca/monterey_county/codes/code_of_ordinances?nodeId=TIT21ZO_CH21.67COCAAC#:~:text=Retailers%20shall%20implement,to%2C%20the%20following%3A

¹⁰<https://www.codepublishing.com/OR/JosephineCounty/html/JosephineCounty05/JosephineCounty0535.html#:~:text=5.35.070%20Security%20cameras%20and%20lighting>.

D. Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall be shielded or use a hood and lens that cast light downward so as to ensure no light is cast onto adjacent properties or upward into the night sky. If the lighting mechanism does not utilize a hood or lens, lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or diffusing element, or indirectly by reflection or refraction, is projected below the horizontal plane through the lowest light-emitting part. [Ord. 2018-007 § 2.]

Riverside County, California¹¹

Security. A commercial cannabis activity shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, to deter and prevent the theft of cannabis or cannabis products at the commercial cannabis activity and to ensure emergency access in accordance with applicable Fire Code standards. Guard dogs shall not be used at the commercial cannabis activity as a security measure. Security measures shall include, but not be limited to, the following:

1. A plan to prevent individuals from loitering on the lot if they are not engaging in activity expressly related to the commercial cannabis activity.
2. Twenty-four-hour emergency contact information for the owner or an on-site employee which shall be provided to the county.
3. A professionally installed, maintained, and monitored alarm system.
4. Except for live cannabis plants being cultivated at a cannabis cultivation facility and limited amounts of cannabis for display purposes, all cannabis and cannabis products shall be stored in a secured and locked structure and in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft, and loss.
5. Twenty-four-hour security surveillance cameras to monitor all entrances and exits to a commercial cannabis activity, all interior spaces within the commercial cannabis activity that are open and accessible to the public, and all interior spaces where cannabis, cash or currency is being stored for any period of time on a regular basis. The permittee for a commercial cannabis activity shall be responsible for ensuring that the security surveillance camera's footage is accessible. Video recordings shall be maintained for a minimum of ninety (90) days, and shall be made available to the county upon request.
6. Sensors shall be installed to detect entry and exit from all secure areas.
7. Panic buttons shall be installed in all commercial cannabis activities.
8. Any bars installed on the windows or the doors of a commercial cannabis activity shall be installed only on the interior of the building.

¹¹https://library.municode.com/ca/riverside_county/codes/code_of_ordinances?nodeId=TIT17ZO_CH17.302COCAAC#:~:text=O.-Security.-%20A%20commercial%20cannabis

9. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services.
10. A commercial cannabis activity shall have the capability to remain secure during a power outage and all access doors shall not be solely controlled by an electronic access panel to ensure locks are not released during a power outage.
11. A commercial cannabis activity shall cooperate with the county and, upon reasonable notice to the commercial cannabis activity, allow the county to inspect or audit the effectiveness of the security plan for the commercial cannabis activity.
12. The permittee for a commercial cannabis activity shall notify the Riverside County Sheriff's Department immediately after discovering any of the following:
13. Significant discrepancies identified during inventory.
14. Diversion, theft, loss, or any criminal activity involving the commercial cannabis activity or any agent or employee of the commercial cannabis activity.
15. The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the commercial cannabis activity.
16. Any other breach of security.
17. Firearms shall not be permitted at a commercial cannabis activity by an owner, manager, employee, volunteer, independent contractor, or designee other than those individuals authorized as a state licensed security personnel.
18. Cannabis or cannabis products shall not be stored outside at any time.

*California City, California*¹²

Sec. 5-6.902. Security Measures.

- a. A permitted cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the cannabis business. Except as may otherwise be determined by the City, these security measures shall include compliance with all State security regulations required under the Cannabis Licensee's State cannabis license, as those regulations may be amended from time to time
- b. Every cannabis business and cannabis dispensary shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft. As part of an application for a cannabis use, each applicant shall prepare and submit a security plan for review and approval by the Chief of Police, which approval or denial will be based upon the security standards stated above and in compliance with any security measures agreed upon between the City Manager and Chief of Police. Said plans shall remain updated and secured on file in the protective custody of

¹²https://library.municode.com/ca/california_city/codes/code_of_ordinances?nodeId=COOR_TIT5PUWE_CH6RECAREBUAC_ART90PREALCABUPEUNCH_S5-6.902SEME

the Building Department. The information provided for purposes of this section shall be maintained by the Building Department as confidential information and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction.

- c. The City Council may impose further security requirements above and beyond the minimum-security requirements imposed by State regulations, upon the recommendation of the City Manager in consultation with the Chief of Police based on the unique circumstances associated with a particular cannabis business. Except as may otherwise be determined by the City Council, these security measures shall include compliance with all State security regulations required under the Cannabis Licensee's State cannabis license, as those regulations may be amended from time to time.
- d. A cannabis business shall identify a designated security representative/liaison to the City of California City, who shall be reasonably available to meet with the City Manager, the City's Police Chief, the City Fire Chief, or their designees, regarding any security related measures or and operational issues.
- e. The cannabis business shall cooperate with the City whenever the City Manager or his designee makes a request, upon reasonable notice to the cannabis business, to inspect or audit the effectiveness of any security plan or of any other requirement of this Chapter.
- f. A cannabis business shall notify the Chief of Police and the City Manager or his/her designee within twenty-four (24) hours after discovering any of the following:
 - (1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Manager working in consultation with the Chief of Police.
 - (2) Diversion, theft, loss, or any criminal activity involving the cannabis business or any agent or employee of the cannabis business.
 - (3) The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the cannabis business.
- g. When more than one cannabis businesses or dispensary is located adjacent to, or in close proximity to another cannabis business or dispensary, the businesses or dispensaries may present a joint security plan to the Chief of Police for review and approval to avoid redundant activity and excess costs, provided the required level of security and effectiveness are not compromised, as determined by the Chief of Police.

(Ord. No. 18-766, § 2, 8-28-2018)

LIGHT POLLUTION MITIGATION

Indoor cannabis cultivation facilities maximize plant growth by exposing plants to hours of intensive lighting every day. Jurisdictions in other states have reported that the facilities' lighting can be a nuisance to community members.

Below are a few examples of lighting regulations implemented in jurisdictions in other states. These examples are not recommendations, but language the county can consider while deliberating what is best in their community. Counties should consult with legal counsel prior to adopting an ordinance.

*Humboldt County, California*¹³

5.4.12.4 Performance Standard for Light Pollution Control.

55.4.12.4.1 Structures used for mixed-light cultivation and nurseries shall be shielded (e.g., with tarps) so that no light escapes between sunset and sunrise.

55.4.12.4.2 Any security lighting for commercial cannabis activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the parcel(s) or premises or directly focusing on any surrounding uses.

55.4.12.4.3 The County shall provide notice to the operator upon receiving any light pollution complaint concerning the cultivation site. Upon receiving notice, the applicant shall correct the violation as soon as possible and submit written documentation within ten (10) calendar days, demonstrating that all shielding has been repaired, inspected and corrected as necessary. Failure to correct the violation and provide documentation within this period shall be grounds for permit cancellation or administrative penalties, pursuant to the provisions of Section [313-55.4.5.3](#).

*Trinity County, California*¹⁴

17.43.060

(1) All lighting associated with the operation shall be downcast, shielded and/or screened to keep light from emanating off-site or into the sky.

(m) Those cultivations using artificial lighting for mixed-light cultivations shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.

¹³ <https://humboldt.county.codes/Code/313-55#:~:text=55.4.12.4,Light%20Pollution%20Control>.

¹⁴ https://library.municode.com/ca/trinity_county/codes/code_of_ordinances?nodeId=TIT17ZO_CH17.43COACURE_17.43.060PESTCOCUCA

WASTEWATER MANAGEMENT

Minnesota cultivators will need to properly disposal of wastewater which is likely to contain nitrates, phosphorus, fungicides, pesticides, and cleaning products to avoid contaminating local water sources. Manufacturing operations will also need disposal processes for solvents that are commonly used in the oil extraction process.

Below are a few examples of wastewater management regulations implemented in jurisdictions in other states. These examples are not recommendations, but language the county can use while deliberating what is best in their community. Counties should consult with legal counsel prior to adopting an ordinance.

Riverside County, California¹⁵

Wastewater. All commercial cannabis activities shall obtain a "will serve" letter from the applicable sanitary sewer purveyor, indicating agreement to supply sewer for the commercial cannabis activity. The letter shall include the activity proposed and any improvements required for service. For commercial cannabis activities where sewer service is not available, conditions from the department of environmental health will be required for the conditional use permit. Where sanitary sewer is not available, the applicant shall obtain clearance from the appropriate regional water quality control board.

Humboldt County, California¹⁶

55.1.8.15 No effluent, including but not limited to waste products, chemical fertilizers or pesticides shall be discharged into drains, septic systems, community sewer systems, water systems or other drainage systems including those that lead to rivers, streams and bays as a result of indoor cultivation of cannabis for personal use

¹⁵https://library.municode.com/ca/riverside_county/codes/code_of_ordinances?nodeId=TIT17ZO_CH17.302COCAAC#:~:text=T_quality%20control%20board.

¹⁶ <https://humboldt.county.codes/Code/313-55#:~:text=55.1.8.15,for%20personal%20use>

SOLID WASTE

Solid waste concerns in the cannabis industry include the use of hazardous materials to grow and manufacture the product, surplus plant material, and recalled products. Surplus plant material and recalled products should be rendered unusable to ensure that the waste will not end up in the illicit market or be accessible to minors. These example ordinances specifically refer to cannabis waste from businesses, however, counties may consider similar language to include home grown cannabis plants. Denver has published a best practice guide on waste management and diversion of cannabis products. The state of Montana has also developed a Cannabis Waste Guidance document.

For additional resources, Oregon has created a [Marijuana Waste Management](#) document as a guide for non-mandatory marijuana waste management and disposal and Maryland has created a [Green Waste Disposal Procedure for Licensed Dispensaries](#).

West Wendover, Nevada¹⁷

3-10-28: DISPOSAL OF RECREATIONAL CANNABIS WASTE:

- A. Disposal of waste of the cannabis establishment must meet all State and Federal guidelines. Waste must be maintained in a secure location until removal from the location. All waste must be deposited at the disposal site operated by the City or its authorized contractor.
- B. Cannabis and any waste including wastewater must be stored, secured and managed in accordance with applicable State Statutes and regulations and with a State approved disposal plan which must be provided to the City. A cannabis establishment must dispose of cannabis that is not usable cannabis within ten (10) calendar days of expiration of use. Cannabis waste must be made unusable prior to leaving a licensed cannabis facility.
 1. Wastes that must be rendered unusable prior to disposal include, but are not limited to:
 - a. Cannabis plant waste, including roots, stalks, leaves, and stems that have not been processed with solvent.
 - b. Solid cannabis sample plant waste possessed by third party laboratories certified by the State regulating authority for quality assurance that must be disposed of.
 2. The allowable method to render cannabis plant waste unusable is by grinding and incorporating the cannabis plant waste with non-consumable solid waste or other ground materials so the resulting mixture is at least fifty percent (50%) non-cannabis waste by volume. Other methods to render cannabis waste unusable must be approved by the State regulating authority before implementing.
 3. Cannabis waste rendered unusable following an approved method in the facility disposal plan may be delivered to a franchised or licensed solid waste facility for final disposition.
 4. Disposal cannot include cannabis products including plant material entering the City wastewater collection system, storm drain system or any unsecure rubbish disposal system.

¹⁷https://codelibrary.amlegal.com/codes/westwendovernv/latest/westwendover_nv/0-0-0-2546

5. A cannabis establishment shall not transfer, share, give, sell or deliver any unused cannabis in the establishment's possession to any other person, regardless of whether they are licensed as a cannabis establishment.

A cannabis establishment shall not dispose of cannabis in any manner other than permitted under this chapter. (Ord. 2018-03, 12-18-2018; amd. Ord. 2021-03, 10-19-2021)

*Chelan County, Washington*¹⁸

11.100.060

(10) **Waste Disposal Plan.** All fertilizers, chemicals, gases, and hazardous materials shall be handled in compliance with all applicable local, state and federal regulations. No fertilizers, chemicals, gases or hazardous materials shall be allowed to enter an on-site septic system, sanitary sewer or storm sewer system, nor be released into atmosphere where the facility is located. Waste materials generated from any facility must be disposed of in accordance with the operating plan filed as part of a cannabis license application and consistent with all applicable federal, state and local regulations.

¹⁸ <https://www.codepublishing.com/WA/ChelanCounty/#!/Chelco11/Chelco11100.html#11.100>

OTHER AREAS FOR CONSIDERATION OF TIME, PLACE AND NEW RESTRICTIONS

Cannabis businesses impact other essential community services that are typically outside of county policy making in Minnesota, specifically energy and water use. Local governments in other states have adopted provisions to mitigate cannabis businesses from overwhelming the local grid or impacting a community's water table, which could be something Minnesota counties review during their ordinance process. Minnesota counties may also just comment to the State on pending applications and note that these are areas of concern and should be considered when the State reviews permit applications.

Energy Use

Indoor cannabis cultivation facilities use significant energy in operating lights and HVAC and irrigation systems. The average indoor cultivation facility is typically 10,000 – 20,000 and will likely consume a range of 1MW to 2.5MW. This energy consumption is about the same amount of power used by 2-6 major big box or grocery stores. Some jurisdictions in other states have placed restrictions on energy use to prevent undue strain on the system. This type of regulation is uncommon in Minnesota counties; however, it may be of use for counties to consult with utilities in their communities on any electrical grid concerns for locations and densities of indoor cultivation facilities.

Below is an example of energy use regulations implemented in a jurisdiction in another state. This example is not a recommendation but illustrates how one county decided to address its concerns around energy use.

Humboldt County, California¹⁹

55.4.12.5 Performance Standards for Energy Use. All electricity sources utilized by commercial cannabis cultivation, manufacturing, or processing activities shall conform to one (1) or more of the following standards:

55.4.12.5.1 Grid power supplied from one hundred percent (100%) renewable source.

55.4.12.5.2 On-site renewable energy system with up to twenty percent (20%) net nonrenewable energy use.

55.4.12.5.3 Grid power supplied by partial or wholly nonrenewable source with purchase of carbon offset credits.

Purchase of carbon offset credits (for grid power procured from nonrenewable producers) may only be made from reputable sources, including those found on offset project registries managed by the California Air Resources Board, or similar sources and programs determined to provide bona fide offsets recognized by relevant State regulatory agencies.

¹⁹ <https://humboldt.county.codes/Code/313-55#:~:text=313%2D55.4.5.3-.55.4.12.5.Performance%20Standards%20for%20Energy%20Use.-All%20electricity%20sources>

Water Use

Cannabis is a water-intensive plant resulting in high water use by indoor cannabis cultivation facilities that do not allow for exposure to rain. Some jurisdictions in other states decided to place restrictions on water use to prevent undue strain on the water table. This type of regulation is uncommon in Minnesota counties, however, it may be of use for counties to consult with the state on any water use concerns for locations and densities of indoor cultivation facilities. Counties may consider reducing the density around other water-heavy operations or encourage businesses to adopt water efficient designs for recycling.

Below are examples of water use regulations implemented in jurisdictions in other states. These examples are not recommendations, but illustrates how counties decided to address their concerns around water use.

El Dorado County, California²⁰

Ordinance NO. 5111

- E. Water source. Indoor cultivation of commercial cannabis may only be permitted if sufficient evidence submitted to the County demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; and (2) all required state permits from the State Water Resources Control Board and any other state agency with jurisdiction. The premises where the cultivation of cannabis takes place shall either be connected to a public water supply or have a County inspected and approved private water source. Cultivation of cannabis shall not utilize water that has been or is illegally diverted from any spring, wetland, stream, creek, river, lake, underground well, or body of water.
- F. Water conservation measures. Cannabis cultivation operations shall include adequate measures that minimize the use of water for cultivation at the site. Water conservation measures, water capture systems, grey water systems, or other equally effective water conservation measures shall be incorporated into the cultivation operations in order to minimize the use of water where feasible.

California City, California²¹

All applicants for a cannabis cultivation permit shall submit the following in addition to the information generally otherwise required for a cannabis business:

- (1) A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities (indoor, mixed-light) and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting (indoor, mixed-light).
- (2) A description of a legal water source, irrigation plan, and projected water use.
- (3) Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.
- (4) Plan for addressing odor and other public nuisances which may derive from the cultivation site.

²⁰https://library.municode.com/CA/El_Dorado_County/ordinances/code_of_ordinances?nodeId=979297

²¹https://library.municode.com/ca/california_city/codes/code_of_ordinances?nodeId=COOR_TIT5PUWE_CH6RECAREBUAC_ART9OPREALCABUPEUNCH_S5-6.902SEME#:~:text=All%20applicants%20for.the%20cultivation%20site.

TEMPORARY CANNABIS EVENTS

Under [MN Statutes 2023 Sec. 342.39 Subd. 2](#), a cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four days. Any individual or business seeking to obtain a cannabis event license must provide the Office of Cannabis Management information about the time, location, layout, number of business participants, and hours of operation.

A cannabis event organizer must receive local approval, including obtaining any necessary permits or licenses issued by a local unit of government before holding a cannabis event. **Below are a few examples of temporary event license regulations implemented in jurisdictions in other states.** These examples are not recommendations, but language the county can consider while deliberating what is best in their community. Counties should consult with legal counsel prior to adopting an ordinance.

Riverside County, California²²

17.302.250 Temporary cannabis event.

- A. Requirements for approval. The planning director shall approve an application for a temporary cannabis event permit if all of the following are met:
1. The temporary cannabis event will take place on county fair property or district agricultural association property.
 2. The temporary cannabis event is not located within one thousand (1,000) feet from any child day care center, K-12 school, public park, or youth center. Distance shall be measured from the nearest point of the respective lot lines using a direct straight-line measurement.
 3. The temporary cannabis event will not occur during the hours of 12:00 a.m. to 6:00 a.m.
 4. The temporary cannabis event is setback a minimum of one hundred (100) feet from lot lines.
 5. The sale of cannabis products shall be performed by a cannabis retailer or cannabis microbusiness that possesses both an approved conditional use permit and a valid cannabis license from the state, which shall be included in the permit application.
 6. The sale or consumption of alcohol or tobacco is not allowed at the location of the temporary cannabis event.
 7. The event organizer for the temporary cannabis will obtain a valid state event organizer license authorizing the retail sale of cannabis goods and the temporary cannabis event.
 8. Access to the area(s) where sale or consumption of cannabis occurs is restricted to persons 21 years of age or older.
 9. Cannabis consumption is not visible from any public place or non-age-restricted area.
 10. Security shall be present at the temporary cannabis event.

²²https://library.municode.com/ca/riverside_county/codes/code_of_ordinances?nodeId=TIT17ZO_CH17.302COCAAC_17.302.250TECAEV

11. A condition of approval shall be applied to all temporary cannabis event permits requiring the event organizer to obtain a valid state license as an event organizer and for the temporary event at least ten (10) calendar days before the event's first day. if this condition of approval is not met, the temporary cannabis event permit becomes null and void.
- a. Application. No less than one hundred twenty (120) days from the event's first day, an event organizer shall apply for and obtain a temporary cannabis event permit in accordance with Chapter 17.216 of this title. All the procedural provisions of Chapter 17.216 shall apply to the application, except Section 17.216.040 thereof relating to requirements for approval, Section 17.216.060 thereof relating to appeals and Section 17.216.070 thereof relating to the use of the permit after the application is approved.
 - b. Revocation. A temporary cannabis event permit may be revoked pursuant to and in accordance with Section 17.302.260 of this chapter.

(Ord. No. 348.4898, § 9, 10-23-2018)

*Trinity County, California*²³

5.25.020 Permit requirements.

- A. Anyone who desires to hold a public event that allows sales and/or consumption (hereafter "Cannabis Event") must obtain a cannabis event organizer's license by the Bureau of Cannabis Control and Trinity County Cannabis Event License. Proof of valid state license is required to be issued a Trinity County Cannabis Event License.
- B. Cannabis events can only be held at the Trinity County Fairground.
- C. Applicants must apply for and be granted permission to hold the event by Trinity County Fairground Board of Directors. Proof of fairground board of directors permission must be provided with the initial application.
- D. The cannabis event can last up to a maximum of four days.
- E. The cannabis event organizer is not authorized to cultivate, distribute, manufacture, or sell cannabis or cannabis products unless the organizer also holds a separate license to engage in such commercial cannabis activities.
- F. All cannabis events must comply with California Bureau of Cannabis Control Regulations Title 16, Division 42 Chapter 5 § 5600, et seq., and all California Regulations adopted thereafter.
- G. In order to obtain a Trinity County Cannabis Event License, the applicant must submit the following to the county:
 - 1. Cannabis event organizer's license issued by the bureau of cannabis control.
 - 2. Pay a non-refundable fee of \$25.
 - 3. Written permission from the fairground board of directors.
- H. Application for a cannabis event shall be filed with the county no later than thirty days before the event. State approval for the cannabis event shall be received by the county no later than seven days before the start date of the event.

²³https://library.municode.com/ca/trinity_county/codes/code_of_ordinances?nodeId=TIT5BUTALIRE_CH5.25CAEV_5.25.020P.ERE

- I. All licensed vendors scheduled to be at the cannabis event must be disclosed and proof of their current state license must be provided prior to the commencement of the event.
- J. Trinity County Sheriff's Department and staff shall be granted entry into the event including area not open to the general public.
- K. The cannabis event shall not grant access to any person under the age of twenty-one years of age. No consumption of cannabis shall be allowed outside the confined area containing the event.
- L. Consumption of alcohol or tobacco shall not be allowed at the cannabis event.
- M. The outdoor festival Sections 5.20.150 through 5.20.290 with the exemption of Section 5.20.260 shall be enforced and incorporated herein.
- N. The Applicant shall comply with the provisions of this code and any provisions set forth by the Trinity County Fairground Board of Directors.

(Ord. No. 1346 , § 1, 2-20-19)

APPENDIX A - DEFINITIONS

Cannabis Business Definitions

Cannabis microbusiness. Under Article 1, Section 28, a cannabis microbusiness may grow cannabis plants, make cannabis concentrate, make hemp concentrate, manufacture artificially derived cannabinoids, manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp derived consumer products for public consumption, purchase hemp or hemp concentrate parts, package and label cannabis and hemp products, and sell cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp products, and hemp-derived consumer products.

A cannabis microbusiness that cultivates cannabis at an indoor facility may cultivate up to 5,000 square feet of plant canopy. A cannabis microbusiness that cultivates cannabis at an outdoor location may cultivate up to one-half acre of mature, flowering plants unless the office increases that limit. A cannabis microbusiness with the appropriate endorsement may operate one retail location.

A cannabis microbusiness may permit on-site consumption of edible cannabis products and lower-potency hemp edibles on a portion of its premises. Cannabis microbusiness must ensure that the display and consumption of any edible product or lower-potency hemp edible is not visible from outside the licensed premises of the business.

Cannabis mezzo business. Under Article 1, Section 29, a cannabis mezzo business may grow cannabis from seed or immature plant for cannabis products or medical cannabis flower, make cannabis and hemp concentrate, manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for public consumption, process medical cannabinoid products, sell immature cannabis plants and seedlings, and purchase cannabis concentrate, hemp concentrate, and synthetically derived cannabinoids from another cannabis business.

A cannabis mezzo business that cultivates cannabis at an indoor facility may cultivate up to 15,000 square feet of plant canopy. A cannabis mezzo business that cultivates cannabis at an outdoor location may cultivate up to one acre of mature, flowering plants unless the office increases the limit.

Cannabis cultivator. Under Article 1, Section 30, a cannabis cultivator can grow cannabis plants within the approved amount of space from seed to immature plant to mature plant, harvest cannabis flower, package and label immature cannabis plants and seedlings and cannabis flower, and transport cannabis flower to cannabis manufacturers.

Cannabis manufacturer. Under Article 1, Section 31, a cannabis manufacturer may purchase cannabis flower, cannabis products hemp plant parts, hemp concentrate, and artificially derived cannabinoids from a cannabis business, purchase hemp plants and hemp concentrates, make cannabis hemp concentrate, manufacture artificially derived cannabinoids, manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp derived consumer products, and sell cannabis concentrate, hemp concentrate, artificially derived cannabinoids, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to other cannabis businesses.

Cannabis retailer. Under Article 1, Section 31, a cannabis retailer may purchase immature cannabis plants and seedlings, cannabis flower, cannabis products, and lower-potency hemp products, from cannabis businesses, and sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to customers.

Cannabis wholesaler. Under Article 1, Section 33, a cannabis wholesaler may purchase immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from cannabis businesses, and purchase hemp plant parts and hemp concentrates. Cannabis wholesalers may sell immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to cannabis microbusinesses, cannabis mezzo businesses, cannabis manufacturers, and cannabis retailers, sell lower-potency hemp edibles to lower-potency-hemp edible retailers, and import hemp-derived consumer products and lower-potency hemp edibles that contain hemp concentrate or artificially derived cannabinoids.

Cannabis transporter. Under Article 1, Section 35, a cannabis transporter may 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 mezzo businesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis retailers, medical cannabis processors, and industrial hemp growers to cannabis microbusinesses, cannabis mezzo businesses, cannabis manufacturers, cannabis testing facilities, cannabis wholesalers, cannabis retailers, lower-potency hemp edible retailers, medical cannabis processors, medical cannabis retailers, and medical cannabis combination businesses and perform other actions approved by the office.

Cannabis testing facility. Under Article 1, Section 37, a cannabis testing facility may 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 mezzo businesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis cultivators, medical cannabis processors, medical cannabis combination businesses, and industrial hemp growers.

Cannabis event organizer. Under Article 1, Section 39, a cannabis event organizer may organize a temporary cannabis event lasting no more than four days. A cannabis event organizer must receive local approval, including obtaining any necessary permits or licenses issue by a local unit of government before holding a cannabis event. If approved by the local unit of government, a cannabis event may designate an area for consumption of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or any combination of those items.

Cannabis delivery service. Under Article 1, Section 41, a cannabis delivery service may purchase cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from licensed cannabis microbusinesses with a retail endorsement, cannabis mezzo businesses 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.

Prior to completing a delivery, a cannabis delivery service must verify that the customer is at least 21 years of age or is enrolled in the registry program. The office shall establish limits on the amount of cannabis and hemp products that a cannabis delivery service may transport. Cannabis and hemp must be stored in a locked, sage, and secure storage compartment that is part of the cannabis delivery vehicle.

Medical cannabis cultivator. Under Article 1, Section 49, a medical cannabis cultivator may grow cannabis plants within the approved amount of space (60,000 square feet of plant canopy) from seed or immature plant, harvest cannabis flower from a mature plant, package and label cannabis flower as medical cannabis flower, sell medical cannabis flower to medical cannabis processors and medical cannabis retailers, transport medical cannabis flower to a medical cannabis processor located on the same premises, and perform other actions approved by the office.

A medical cannabis cultivator must verify that every batch of medical cannabis flower has passed safety, potency, and consistency testing at a cannabis testing facility approved by the office for testing of medical cannabis flower before the medical cannabis cultivator may package, label, or sell the medical cannabis flower to any other entity.

Medical cannabis processor. Under Article 1, Section 50, a medical cannabis processor may purchase medical cannabis flower, medical cannabinoid products, hemp plant parts, and hemp concentrate from medical cannabis cultivators and other medical cannabis processors, purchase hemp plant parts from industrial hemp growers, make cannabis and hemp concentrate from medical cannabis flower, manufacture medical cannabinoid products, package and label medical cannabinoid products for sale to other medical cannabis processors and to medical cannabis retailers.

A medical cannabis processor must verify that every batch of medical cannabis flower has passed safety, potency, and consistency testing at a cannabis testing facility approved by the office for testing of medical cannabis flower before the medical cannabis cultivator may package, label, or sell the medical cannabis flower to any other entity.

Medical cannabis retailer. Under Article 1, Section 51, medical cannabis retailers may purchase medical cannabis flower and medical cannabinoid products from medical cannabis cultivators and medical cannabis processors and sell or distribute medical cannabis flower and medical cannabinoid products to any person authorized to receive medical cannabis flower or medical cannabinoid products.

Medical cannabis combination business. Under Article 1, Section 52, a medical cannabis combination business may grow cannabis plants from seed to immature plant to mature plant and harvest adult-use cannabis flower and medical cannabis flower from a mature plant, make cannabis concentrate, make cannabis and hemp concentrate, manufacture artificially derived cannabinoids, manufacture medical cannabinoid products, package and label medical cannabis and medical cannabinoid products for sale to medical cannabis processors, medical cannabis retailers, other medical cannabis combination businesses, and patients enrolled in the registry program, registered caregivers, and parents, legal guardians, and spouses of an enrolled patient.

Hemp Businesses Definitions

Lower-potency hemp edible manufacturer. Under Article 1, Section 45, a lower-potency hemp edible manufacturer may purchase hemp plant parts, hemp concentrate, and artificially derived cannabinoids from cannabis microbusiness, cannabis mezzo businesses, cannabis manufacturers, cannabis wholesalers, and lower-potency edible hemp edible manufacturers. Lower-potency hemp edible manufacturers may also purchase hemp parts and hemp concentrate, make hemp concentrate, manufacture artificially derived cannabinoids, manufacture lower-potency hemp edibles for public consumption, package and label lower potency hemp edibles, and sell hemp concentrate, artificially derived cannabinoids, and lower-potency hemp edibles to other cannabis businesses and hemp businesses.

Lower-potency hemp edible retailer. Under Article 1, Section 46, a lower-potency hemp edible retailer may only sell lower-potency hemp edibles to individuals who are at least 21 years of age. A lower-potency hemp edible retailer may sell lower-potency hemp edibles that are obtained from a licensed Minnesota cannabis microbusiness, cannabis mezzo business, cannabis manufacturer, cannabis wholesaler, or lower-potency hemp edible manufacturer, and meet all applicable packaging and labeling requirements.

APPENDIX B - SCENARIOS

Below are four scenarios illustrating how the registration per 12,500 residents provision may impact your county.

Scenario 1: The county and all of its cities and towns but one want to limit retail registrations to one per 12,500 residents.

- Gopher County has 20,000 residents. There are 7 cities and towns in Gopher County, they will be referred to City A, City B, City C, etc., all of them are under 12,500 residents.
- Gopher County wants to limit registrations to the maximum required number, which is two for its population. The county must adopt an ordinance establishing that limit in order to enforce it.
- City A wants to limit retail registrations to the minimum, so it passes an ordinance limiting retail registrations to one, which meets the one per 12,500 residents law. City B wants to allow as many retail businesses as possible, and the remaining cities and towns do not want to register retail businesses, so they delegate the responsibility to Gopher County.
- If a retail cannabis business seeks to locate in City A, it must be allowed if the business meets local regulations. If a second business seeks to locate in City A, the city may prohibit its establishment based on its ordinance limiting the number of registrations. The second business can establish anywhere else in the county where it meets local regulations. The second business decides to locate in City C and registers with Gopher County. Gopher County nor City C may prohibit the registration of the business in its desired location unless it violates local regulations.
- Now that Gopher County has met its two required registered businesses, it may prohibit the establishment of additional retail businesses in areas where the county controls registration. This includes unincorporated land and the cities and towns that delegated registration authority to the county. However, City B did not adopt an ordinance limiting retail nor delegate its registration authority to Gopher County so if a third business seeks to establish in City B, the city may allow it. City B may continue to register as many retail businesses as it wants to and is allowed by their local ordinances. City B may also decide to not register additional businesses since the county has met its one registration per 12,500 residents.

Scenario 2: A county chooses not to adopt an ordinance limiting retail registrations based on population, but one of its cities passes the ordinance.

- Bulldog County has 36,000 residents. There are 11 cities and towns in Bulldog County, they will be referred to City A, City B, City C, etc., all of them are under 12,500 residents.
- City A wants to limit retail registrations to a minimum, so it passes an ordinance limiting retail registrations to one, which meets the one per 12,500 residents law. The remaining cities and towns do not want to register retail businesses, so they delegate the authority to Bulldog County.
- Bulldog County does not adopt an ordinance limiting retail business registration to one per 12,500 residents. Cannabis retail businesses seeking to locate in Bulldog County will receive a registration in the land area the county has registration authority over as long as they meet local regulations. This includes unincorporated land and the cities and towns that delegated registration authority to the county.
- If a retail cannabis business seeks to locate in City A, it must be allowed if the business meets local regulations. If a second business seeks to locate in City A, the city may prohibit its establishment based on its ordinance limiting the number of registrations to one per 12,500. The second business can establish anywhere else in the county where it meets local regulations. The second business establishes in City C which has delegated its registration authority to Bulldog County.
- Two more cannabis retail businesses seek to locate in City C. Bulldog County must register the businesses as long as they meet other local regulations. Since City C has delegated its registration authority to Bulldog County and the county does not have an ordinance limiting the number of retail registrations, the county must continue to allow the registration of retail businesses in City C and other locations in the county except for City A as long as the businesses meet local regulations.

Scenario 3: A county, city, or town wants to set a limit on the number of registered retail businesses and the majority of the population of the county resides in one city.

- Raptor County has 24,000 residents. There are 5 cities and towns in Raptor County, they will be referred to City A, City B, City C, etc., all of them are under 12,500 residents except for City A which has 13,000 residents.
- Raptor County wants to limit registrations to the maximum required number, which is two for its population. The county must adopt an ordinance establishing that limit in order to enforce it.
- City A wants to limit retail registrations to the minimum, so it passes an ordinance limiting retail registrations to two, which meets the one per 12,500 residents law. City A maintains its registration authority, but the other cities delegate the authority to Raptor County.
- If a retail cannabis business seeks to locate in City A, it must be allowed if the business meets local regulations. If a second business seeks to locate in City B, Raptor County and City B may must register it unless it violates local regulations.
- If another retail business seeks to locate in City A, the city may prohibit it because Raptor County has met its two required registered businesses. Even though City A's population requires two businesses, if the county meets the requirements, the statute allows City A to decline additional registrations.

Scenario 4: A county, city, or town does not choose to adopt an ordinance limiting retail registrations, and instead creates robust time, place, and manner zoning regulations that limit, but not entirely prohibit, retail businesses.

Deloris Katke

From: Carlson, Phil <Phil.Carlson@stantec.com>
Sent: Tuesday, May 7, 2024 5:14 PM
To: Deloris Katke
Cc: Tammy Pfaff; Gravel, Phil
Subject: RE: Greenhouse/Tarp Like Structures

Deloris,

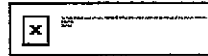
It is clear that the ordinance says "no tarp like structures". So unless this one was given specific permission it is not allowed. I don't see anything in the home occupation section of the code that refers to use of structures for the home occupation. So, again unless specific permission was given within the home occupation for use of an accessory structure, I don't think this is allowed. But it would seem to be temporary – many cities allow certain kinds of temporary structures. I see tents like this often on grocery store parking lots in the spring where plants and gardening supplies are sold, but only for a few weeks, and only because their code allows the. But I don't see any provision for temporary structures in the Milaca code, which may be an oversight that the City would be interested in allowing.

Phil Carlson AICP

Associate
He/Him/His

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From: Deloris Katke <dkatke@milacacity.com>
Sent: Tuesday, May 7, 2024 11:54 AM
To: Carlson, Phil <Phil.Carlson@stantec.com>
Cc: Tammy Pfaff <TPfaff@milacacity.com>; Gravel, Phil <Phil.Gravel@stantec.com>
Subject: Greenhouse/Tarp Like Structures

We have an Ordinance that states no tarp like structures. I have conducted Public Nuisance inspections throughout the city and have found a few that will need to be addressed.

The one we are struggling with is a residence that applied for a CUP for a home occupation of selling flowers during the summer. They have a tarp-like structure which I am assuming is used as a greenhouse for their business. Our Ordinance does not address greenhouses. Since this is a business, do we allow this? Do we need to be concerned of impervious coverage? Tammy wanted me to see if you have ideas on what some other cities may do for greenhouse ordinances. I have attached a picture of the tarp like structure. The CUP is for the owners of the white house in the background but they obtained permission from their neighbor to grow flowers as well on this lot. This is where the tarp like structure is located.

With this new cannabis laws, our concern now is will residents be putting up more "greenhouses" to grow cannabis?

Any thoughts or suggestions would be very helpful.

Thank you,

Deloris Katke
Assistant City Clerk/Accounts Payable
320-983-3141



CITY OF
MILACA *Minnesota*
255 First Street East, Milaca, MN 56353 (320)983-3141 | (320)983-3142 fax

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CITY OF MILACA

§ 156.057 ACCESSORY BUILDINGS, STRUCTURES, AND USES.

(A) (1) No accessory building or structure other than a fence or a temporary construction office shall be permitted on any lot prior to the time of construction of the principal building.

(2) Pursuant to authority granted by M.S. § 462.3593, Subd. 9, the city opts-out of the requirements of M.S. § 462.3593, which defines and regulates temporary family health care dwellings.

(B) Whenever a garage is so designed that it is to be entered directly from a side street or alley, the distance between the doors and the lot line shall be 18 feet or more.

(C) (1) No detached accessory building shall be located in the front yard.

(2) A detached garage or utility building shall meet the following requirements:

(a) Side yard setback shall be a minimum of five feet from the side lot line.

(b) Rear yard setback shall be five feet from the rear lot line.

(c) An accessory building shall not exceed 20 feet in height.

(d) Accessory building shall not be larger or taller than the principal building.

(D) The architectural design and appearance of all buildings in the residential zone must have residential type siding as determined by Zoning Administrator.

(1) No tarp like structures allowed.

(2) No corrugated metal.

(3) No cargo containers.

(E) *Accessory buildings, structures and uses in a farming operation.*

(1) Pole type structures and corrugated metal siding are allowed.

(2) There is no maximum size of the accessory structure.

(3) The maximum height of the structure is 35 feet.

(4) The structure must be a minimum of 100 feet from the property line.

(5) Detached accessory structures cannot be in the front yard.

(Ord. 134/94, passed 3-24-94; Am. Ord. 335, passed 4-17-03; Am. Ord. 350, passed 5-20-04; Am. Ord. 420, passed 8-18-16; Am. Ord. 453, passed 7-18-19; Am. Ord. 480, passed 4-15-21; Am. Ord. 483, passed 6-16-21)

TARP-LIKE STRUCTURES

CITY OF FOLEY:

R-1 Single and Two Family – Not permitted as a storage building or for any other use within any residential district except when they are used for gardening.

They are allowed for gardening if they are private conservatories for plants and flowers (NOT for sale), they do not exceed 150 square feet and no higher than 8 feet in height, located in rear yard.

R-2 Multiple Family- Not permitted as a storage building or for any other use within any residential district except when they are used for gardening.

They are allowed for gardening if they are private conservatories for plants and flowers (NOT for sale), they do not exceed 150 square feet and no higher than 8 feet in height, located in rear yard.

B-1 Central Business –Subdivision 3: PERMITTED ACCESSORY USES

1. Hoop/Tubular Frame Buildings are allowed as an accessory use when used for seasonal sales and subject to the following:

a. All buildings shall require a permit from the Zoning Administrator which shall be valid for 90 days. The permit may establish conditions relating to the hoop/tubular frame building, including, but not limited to, hours of operation, building size, location on the property, signage, and additional parking requirements.

2. Commercial or business buildings for a use accessory to the principal use.

3. Fences as regulated by Section 6.

4. Off-street parking and loading areas as regulated by Section 7.

5. Signs as regulated by Section 8.

B-2 Highway Business – Subdivision 3: PERMITTED ACCESSORY USES

1. Hoop/Tubular Frame Buildings are allowed as an accessory use when used for seasonal sales and subject to the following:

a. All buildings shall require a permit from the Zoning Administrator which shall be valid for 90 days. The permit may establish conditions relating to the hoop/tubular frame building, including, but not limited to, hours of operation, building size, location on the property, signage, and additional parking requirements.

CITY OF PRINCETON:

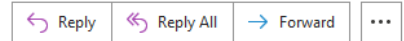
City of Princeton Tarp Structures



Mary Lou DeWitt <MaryLou@princetonmn.org>

To ● Deloris Katke

You replied to this message on 5/20/2024 10:49 AM.



Mon 5/20/2024 10:48 AM

Hi: Thank you for inquiring about tarp structures. They are not an allowable use, because they do not follow MN building codes. They are not built to handle the snow fall or winds. Thank you, Mary Lou

CITY OF MORA:

Per Caleb, they do allow then only for greenhouses and they must be taken down each year. Cannot exceed 144 square feet.

CITY OF ST. CLOUD:

Prohibited materials for accessory buildings include: panels made of non-architectural metal, fiberglass, vinyl resin, or plastic; tarps made of plastic, canvas or vinyl; unpainted corrugated metal panels; and, non-exterior grad plywood or similar products.

CITY OF CAMBRIDGE:

(d) Temporary accessory structures such as portable car ports, shelters, tarped covers, and similar structures as determined by the Zoning Administrator, shall be prohibited. Storage Pod Containers may be allowed for 14 days on a residential parcel for moving purposes and must be approved by the Zoning Administrator.

CITY OF ELK RIVER:

Sec. 30-124. - Exterior of premises; parking facilities.

(a)

Generally. No person shall occupy as an owner-occupant, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living, sleeping, eating, or cooking therein which does not comply with the landscaping, screening, lighting, and other requirements of this Code and the requirements of this section.

(b)

Maintenance of accessory structures. Accessory structures, including fences, on the premises where the dwelling or dwelling unit is located shall be structurally sound and maintained in good repair. The exterior of such structures shall be covered with decay-resistant materials such as paint or other preservatives.

(c)

Outside storage. Outside storage of articles, equipment, construction materials, items not designed for exterior use, and miscellaneous items, including but not limited to lawn mowers and other lawn maintenance equipment, shall not be allowed. A weather tight, rodent proof storage building or shed must be constructed for storage of items not storable within the building.

CITY OF ZIMMERMAN:

When is a Building Permit Not Required?

Detached accessory buildings with less than 200 square feet of floor area

(must be anchored and meet setback requirements)