

SECTION 28. CANNABIS BUSINESSES

SUBDIVISION 1. ADMINISTRATION

A. FINDINGS AND PURPOSE

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes the Le Sueur County Environmental Services Department to protect the public health, safety, and welfare of its residents by regulating cannabis businesses within the legal boundaries of the County.

The Le Sueur County Board of Commissioner finds and concludes that the proposed provisions are appropriate and lawful land use regulations for the County, that the proposed amendments will promote the County'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.

B. AUTHORITY & JURISDICTION

The Le Sueur County Board of Commissioners have 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. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

This ordinance shall be applicable to the legal boundaries of the unincorporated areas of Le Sueur County.

C. 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.

D. ENFORCEMENT

The Le Sueur County Environmental Services 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.

SUBDIVISION 2. REGISTRATION OF A CANNABIS BUSINESS

A. CONSENT TO REGISTERING OF A CANNABIS BUSINESS

For the jurisdiction covered by the ordinance (section 1.2), no individual or entity may operate a state-licensed cannabis retail business within Le Sueur County without first registering with the Le Sueur County Environmental Services Department.

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

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

B. COMPLIANCE CHECKS PRIOR TO RETAIL REGISTRATION

Prior to issuance of a cannabis retail business registration, the Environmental Services Department shall conduct a preliminary compliance check to ensure compliance with local ordinances.

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, Le Sueur County 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.

C. REGISTRATION & APPLICATION PROCEDURE

1. Fees

- a. Le Sueur County will not charge an application fee.
- b. A registration fee, established in Le Sueur County's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.

- c. 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.
- d. Any renewal retail registration fee imposed by Le Sueur County shall be charged at the time of the second renewal and each subsequent renewal thereafter.
- e. 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.
- f. 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, for the adult-use retail business.

2. **Application Submittal**

The Le Sueur County Environmental Services Department 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 County. Said form shall include, but is not limited to:
 - 1) Full name of the property owner and applicant;
 - 2) Address, email address, and telephone number of the property owner and the applicant;
 - 3) The address and parcel ID for the property which the retail registration is sought;
 - 4) Certification that property taxes are current on the subject parcel;
 - 5) Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13; and,
 - 6) Any other information deemed necessary by the Le Sueur County Environmental Services Department.
- b. The applicant shall include the following supporting documents with the form:
 - 1) Proof of payment of the registration fee as required in item 1, of subsection C, of Subdivision 2 of this Ordinance;
 - 2) A copy of a valid state license or written notice of OCM license preapproval;
 - 3) A copy of their current Workers' Compensation Certificate of Compliance;
 - 4) A copy of a valid liquor license issued by the appropriate regulatory authority (the liquor license must be active and in good standing, with no pending violations or infractions within the last 12 months);
 - 5) Proof of compliance with liquor license regulations, including but not limited to inspection reports and compliance certificates; and,
 - 6) Any other information deemed necessary by the Le Sueur County Environmental Services Department.

- c. Once an application is considered complete, the Zoning Administrator shall inform the applicant as such, process the application fees, and forward the application to the Le Sueur County Board of Commissioners for approval or denial.
- d. The application fee shall be non-refundable once processed.

D. RENEWAL OF REGISTRATION

The Le Sueur County Environmental Services Department 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 County. A cannabis retail registration issued under this ordinance shall not be transferred.

1. **Renewal Fees**

The Le Sueur County Environmental Services Department may charge a renewal fee for the registration starting at the second renewal, as established in Le Sueur County's fee schedule.

2. **Renewal Application**

The application for renewal of a retail registration shall include, but is not limited to, the items required under item 2, of subsection C, of Subdivision 2 of this Ordinance and any additional items deemed necessary by the Le Sueur County Environmental Services Department.

E. SUSPENSION OF REGISTRATION

1. **When Suspension is Warranted**

Le Sueur County's Environmental Services Department may suspend a cannabis retail business's registration if it violates the ordinance of Le Sueur County or poses an immediate threat to the health or safety of the public. Le Sueur County's Environmental Services Department shall immediately notify the cannabis retail business in writing the grounds for the suspension.

2. **Notification to OCM**

Le Sueur County's Environmental Services Department shall immediately notify the OCM, in writing, the grounds for the suspension. OCM will provide Le Sueur County and the cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

3. Length of Suspension

The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended. Le Sueur County’s Environmental Services Department may reinstate a registration if it determines that the violation(s) have been resolved.

Le Sueur County’s Environmental Services Department shall reinstate a registration if OCM determines that the violation(s) has been resolved.

4. Civil Penalties

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

SUBDIVISION 3. REQUIREMENTS FOR A CANNABIS BUSINESS

A. MINIMUM SETBACK REQUIREMENTS

1. Le Sueur County shall prohibit the operation of a cannabis business within 500 feet of a Dwelling Unit, platted residential subdivision, or residentially zoned property.
2. Le Sueur County shall prohibit the operation of a cannabis business within 1,000 feet from the property line of any school.
3. Le Sueur County shall prohibit the operation of a cannabis business within 1,000 feet from the property line of any church.
4. Le Sueur County shall prohibit the operation of a cannabis business within 500 feet from the property line of any licensed daycare.
5. Le Sueur County shall prohibit the operation of a cannabis business within 500 feet from the property line of any residential treatment facility.
6. Le Sueur County shall prohibit the operation of a cannabis business within 500 feet from the property line where there is any attraction within a public park that is regularly used by minors, including a playground or athletic field.

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

B. ZONING & LAND USE

1. **Cannabis Cultivator**

Cannabis businesses licensed or endorsed for cultivation are permitted as an **Interim Use** in the following zoning districts:

- a. Agriculture
- b. General Business
- c. Conservancy
- d. Recreational Commercial
- e. Special Protection

2. **Cannabis Manufacturer**

Cannabis businesses licensed or endorsed for cannabis manufacturing are permitted as **Interim Use** in the following zoning districts:

- a. Agriculture
- b. General Industry

3. **Hemp Manufacturer**

Businesses licensed or endorsed for low-potency hemp edible manufacturing are permitted as an **Interim Use** in the following zoning districts:

- a. Agriculture
- b. General Industry

4. **Cannabis Wholesaler**

Cannabis businesses licensed or endorsed for cannabis wholesale are permitted as an **Interim Use** in the following zoning districts:

- a. Agriculture
- b. Conservancy
- c. General Industry

5. **Cannabis Retailer**

Cannabis businesses licensed or endorsed for cannabis retail are permitted as an **Interim Use** in the following zoning districts:

- a. General Business
- b. General Industry
- c. Recreational Commercial

6. **Hemp Retailer**

Businesses licensed or endorsed for low-potency hemp edible retail are permitted as an **Interim Use** in the following zoning districts:

- a. General Business
- b. General Industry
- c. Recreational Commercial

7. **Cannabis Transporter**

Cannabis businesses licensed or endorsed for transportation are permitted as an **Interim Use** in the following zoning districts:

- a. Agriculture
- b. Conservancy
- c. General Industry

8. **Cannabis Delivery**

Cannabis businesses licensed or endorsed for cannabis delivery are permitted as a **Permitted Use** in the following zoning districts:

- a. General Business

Cannabis businesses licensed or endorsed for cannabis delivery are permitted as an **Administrative Special Use** in the following zoning districts:

- a. Agriculture
- b. Conservancy
- c. Recreational Commercial
- d. Special Protection

9. **Temporary Cannabis Events**

Cannabis businesses licensed or endorsed for temporary events lasting up to two days are permitted as an **Administrative Special Use** in the following zoning districts:

- a. Agriculture
- b. Conservancy
- c. General Industry
- d. Special Protection

Cannabis businesses licensed or endorsed for temporary events exceeding two days and lasting up to four days are permitted as an **Interim Use** in the following zoning districts:

- a. Agriculture
- b. Conservancy
- c. General Industry
- d. Special Protection

CLASSIFICATION LIST	A	B	C	I	RC	RR	R-1	SP
Cannabis Businesses								
Cannabis Cultivation	IP	IP	IP	N	IP	N	N	IP
Cannabis Delivery Service	S	P	S	N	S	N	N	S
Cannabis Manufacturer	IP	N	N	IP	N	N	N	N
Cannabis Retailer	N	IP	N	IP	IP	N	N	N
Cannabis Transporter	IP	N	IP	IP	N	N	N	N
Cannabis Wholesaler	IP	N	IP	IP	N	N	N	N
Lower-potency Hemp Edible Manufacturer	IP	N	N	IP	N	N	N	N
Lower-potency Hemp Edible Retailer	N	IP	N	IP	IP	N	N	N
Temporary Cannabis Event	S/IP	N	S/IP	S/IP	N	N	N	S/IP

A = Agriculture, B = General Business, C = Conservancy, I = General Industry,
 RC = Recreational Commercial, RR = Recreational Residential, R-1 = Urban & Rural Residential,
 SP = Special Protection

CP = Conditional Use (CUP), IP = Interim Use (IUP), P = Permitted, N = Not Allowed,
 S = Administrative Permit

C. PERFORMANCE STANDARDS

1. Performance Standards for Cultivation and Manufacturing Businesses

a. Security and Indoor/Outdoor Lighting

Shall be in accordance with Minn. Stat. 342.25, subd. 7 and subject to any conditions imposed by the Le Sueur County Board of Commissioners.

b. Wastewater

Plans shall be in accordance with Minn. Stat. 342.28, subd. 3. The applicant shall also submit a plan to the Office of Cannabis Management and the Le Sueur County Environmental Services Department demonstrating the proposed size and layout of the facility; plans for wastewater and waste disposal; and, plans for providing electricity, water, and other utilities necessary for the normal operation of the facility. In addition, the facility shall be connected to an approved Subsurface Sewage Treatment System (SSTS), shall install an approved flow measuring device, and shall be on an operating permit for the life of the permit.

c. **Ventilation and Filtration**

Shall be in accordance with Minn. Stat. 342.24, subd. 4. The applicant shall maintain a ventilation and filtration system sufficient to meet the requirements for odor control established by State Administrative Rules.

d. **Solid Waste**

Shall be handled in accordance with Minn. Stat. 342.25, subd. 4. The applicant shall prepare, execute, and maintain a solid waste disposal plan. Minn. Stat. 342.08, subd. 3 notes Administrative Rules will be created for appropriate disposal of cannabis plant matter, packaging, and other solid waste generated by the cannabis business

e. **Other Regulations**

Conditions imposed by the Le Sueur County Planning Commission or Board of Commissioners may include those that would reduce impacts of the proposed use on neighboring properties, public services, and/or public safety. These conditions may include, but are not limited to fencing or vegetative screening, parking, pest management, etc.

2. **Performance Standards for Cannabis Retail, Microbusinesses, and Mezzobusinesses**

a. **Security**

Shall be in accordance with Minn. Stat. 342.27, subd. 9 and 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 tracking the number of employees working at all times.

b. **Lighting**

Shall be in accordance with Minn. Stat. 342.27, subd. 10. In addition, the applicant shall keep all lighting outside and inside the facility in good working order and of sufficient wattage for security cameras.

c. **Wastewater**

Plans shall be in accordance with Minn. Stat. 342.29, subd. 3.

An applicant for a Cannabis Mezzobusiness license shall submit a plan to the OCM and the County's Environmental Services Department demonstrating the proposed size and layout of the facility; plans for wastewater and waste disposal; and, plans for providing electricity, water, and other utilities necessary for the normal operation of the facility.

In addition, the facility shall be connected to an approved Subsurface Sewage Treatment System (SSTS), shall install an approved flow measuring device, and shall be on an operating permit for the life of the permit.

d. **Ventilation and Filtration**

Shall be in accordance with Minn. Stat. 342.24, subd. 4. The applicant shall maintain a ventilation and filtration system sufficient to meet the requirements for odor control established by State Administrative Rules.

e. **Solid Waste**

Shall be handled in accordance with Minn. Stat. 342.08, subd. 3. and Minn. Stat. 342.08, subd. 3 notes Administrative Rules will be created for appropriate disposal of cannabis plant matter, packaging, and other solid waste generated by the cannabis business.

f. **Other Regulations**

Conditions imposed by the Le Sueur County Planning Commission or Board of Commissioners may include those that would reduce impacts of the proposed use on neighboring properties, public services, and/or public safety. These conditions may include, but are not limited to fencing or vegetative screening, parking, pest management, etc.

3. **Zoning and Land Use Enforcement**

- a. The compliance of an approved permit will be monitored through an annual review process conducted by the Le Sueur County Environmental Services Department. During the annual inspection, the Cannabis Business owner will be assessed an annual re-inspection fee with payment due prior to the completion of the annual inspection.

- b. Any conditions imposed by the Le Sueur County Planning Commission and/or Board of Commissioners shall be complied with within one (1) year of receiving final approval and shall be maintained for the duration of the permit. Failure to comply with the conditions imposed shall be deemed a violation. Violations of this ordinance shall be deemed a misdemeanor, and each day that a violation continues to exist shall constitute a separate offense.
- c. If substantial complaints / violations have occurred during the term between annual reviews, the Interim Use Permit shall be reviewed by the Le Sueur County Board of Commissioners for possible suspension or revocation.

4. Appeals

Appeals from any order, requirement, decision or determination made by the County's Environmental Services Department shall be made to the Le Sueur County Board of Adjustment in accordance with Section 22 of the Le Sueur County Zoning Ordinance.

D. 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. to 10 p.m. seven (7) days per week.

E. 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 Section 19 of the Le Sueur County Zoning Ordinance.

SUBDIVISION 4. TEMPORARY CANNABIS EVENTS

A. LICENSE OR PERMIT REQUIRED FOR TEMPORARY CANNABIS EVENTS

1. License Required

A permit is required to be issued and approved by the Le Sueur County Environmental Services Department prior to holding a Temporary Cannabis Event.

2. Registration & Application Procedure

A registration fee, as established in Le Sueur County's fee schedule, shall be charged to applicants for Temporary Cannabis Events

3. **Application Submittal & Review**

Le Sueur County shall require an application for Temporary Cannabis Events.

- a. An applicant for a temporary event registration shall fill out an application form, as provided by the Le Sueur County Environmental Services Department. Said form shall include, but is not limited to:
 - 1.) Full name of the property owner and applicant;
 - 2.) Address, email address, and telephone number of the property owner and the applicant;
 - 3.) The address and parcel ID for the property on which the temporary event registration is sought;
 - 4.) Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13; and,
 - 5.) Any other information deemed necessary by the Le Sueur County Environmental Services Department.

- b. The applicant shall include the following supporting documents with the form:
 - 1.) Proof of payment of the registration fee as required in item 1, of subsection C, of Subdivision 2 of this Ordinance;
 - 2.) A copy of a valid state license or written notice of OCM license preapproval;
 - 3.) A detailed security plan outlining personnel assignments, emergency procedures, and access control measures;
 - 4.) A detailed wastewater management plan that describes the methods of collection, treatment, and disposal of wastewater generated during the event;
 - 5.) A detailed solid waste management plan that describes the provisions for adequate waste receptacles, recycling containers, and disposal services. The plan shall include a description of procedures for litter control during the event as well as post-event cleanup operations; and,
 - 6.) Any other information deemed necessary by the Le Sueur County Environmental Services Department.

- 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 Le Sueur County Planning Commission and Board of Commissioners for approval or denial.

- d. The application fee shall be non-refundable once processed.

- e. A request for a Temporary Cannabis Event that does not meet the requirements of this Section or any standard within any other Le Sueur County Ordinances shall be denied. The Environmental Services Department shall notify the applicant of the standards not met and basis for denial.

- f. A request for a Temporary Cannabis Event that meets all requirements of this Section shall be approved.
- g. An approved Temporary Cannabis Event shall meet the following standards:
 - 1.) Temporary Cannabis Events shall only be held between the hours of 10:00 a.m. CST and 10:00 p.m. CST.
 - 2.) The operational area of a Temporary Cannabis Event shall be setback a minimum of 100 feet from all property lines.
 - 3.) The sale of any cannabis product shall be performed by a licensed Cannabis Retailer or Cannabis Microbusiness that possess both an approved permit from the County and a valid license from the State of Minnesota.
 - 4.) The sale or consumption of alcohol or tobacco is prohibited within the operational area of the Temporary Cannabis Event.
 - 5.) Access to the area(s) where sale or consumption of cannabis occurs is restricted to persons 21 years of age or older.
 - 6.) Cannabis consumption shall not be visible from any public place or non-age-restricted area.
 - 7.) Security shall be present for a minimum of one hour prior to the opening of the Temporary Cannabis Event, for the duration of the standard operating hours of the event, and for a minimum of one hour after the closing of the event.

SUBDIVISION 5. LOCAL GOVERNMENT AS A RETAILER

Le Sueur County 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. Le Sueur County shall be subject to all the same retail license requirements and procedures applicable to all other applicants.

SUBDIVISION 6. MORE RESTRICTIVE REGULATIONS

More restrictive Federal, State, County, and City regulations or standards shall take precedence over the regulations of this ordinance. Nothing in this ordinance shall limit any City's power to adopt zoning regulations more restrictive than established herein.