

Article XII – Regulation of Cannabis Businesses

Section 12.01 – Administration

- A. **Findings and Purpose:** Todd County makes the following legislative findings: The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes Todd County to protect the public health, safety, welfare of Todd County residents by regulating cannabis businesses within the legal boundaries of Todd County. Todd County finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Todd County, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.
- B. **Authority and Jurisdiction:** Todd County has the authority to adopt this ordinance pursuant to:
- (i) 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.
 - (ii) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
 - (iii) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
 - (iv) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.
- 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 Director 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.

Section 12.02 - Registration of Cannabis Business

- A. **Consent to registering of Cannabis Business**
- (i) No individual or entity may operate a state-licensed cannabis retail business within Todd County without first registering with Todd County. 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.
- B. **Compliance Checks Prior to Retail Registration**
- (i) Prior to issuance of a cannabis retail business registration, Todd County 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, Todd 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 and Application Procedures

(i) Fees – Todd County shall not charge an application fee. A registration fee, as established in Todd County’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 Todd County 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.

(ii) Application Submittal – Todd County shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

1) An applicant for a retail registration shall fill out an application form, as provided by Todd County. Said form shall include, but is not limited to:

- a) Full name of the property owner and applicant
- b) Address, email address, and telephone number of the applicant
- c) The address and parcel ID for the property which the retail registration is sought
- d) Certification that the applicant complies with the requirements of local ordinances established pursuant to MN Statute 342.13
- e) *Additional Standards*

2) The applicant shall include with the form:

- a) The application fee as required in part (i)
- b) A copy of a valid state license or written notice of OCM license preapproval
- c) *Additional Standards*

3) Once an application is considered complete, Todd County shall inform the applicant as such, process the application fees, and move the application forward for approval or denial.

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

(iii) Application Approval

1) *(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 F.

2) A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.

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

(iv) Annual Compliance Checks

1) Todd County 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]. Todd County 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.

(v) Location Change

1) *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 Todd County.*

or

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

D. Renewal of Registration: Todd County 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 Todd County. A cannabis retail registration issued under this ordinance shall not be transferred.

(i) Renewal Fees – Todd County may charge a renewal fee for the registration starting at the second renewal, as established in Todd County's fee schedule.

(ii) Renewal Application - The application for renewal of a retail registration shall include, but is not limited to:

1) Items required under Section C,(iii),1)

2) *Additional Items*

E. Suspension of Registration

(i) When Suspension is Warranted – Todd County may suspend a cannabis retail business's registration if it violates the ordinance of Todd County or poses an immediate threat to the health or safety of the public. Todd County shall immediately notify the cannabis retail business in writing the grounds for the suspension.

(ii) Notification to OCM – Todd County shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide Todd County and the cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

(iii) 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. Todd County may reinstate a registration if it determines that the violations have been resolved. Todd County shall reinstate a registration if OCM determines that the violation(s) have been resolved.

- (iv) Civil Penalties - Subject to Minn. Stat. 342.22, subd. 5(e), Todd County may impose a civil penalty, as specified in the County's Fee Schedule, for registration violations, not to exceed \$2,000.

F. *Limiting Registrations*

- (i) *Todd County shall limit the number of cannabis retail businesses to no fewer than one registration for every 12,500 residents within Todd County.*
- (ii) *If Todd County has one active cannabis retail businesses registration for every 12,500 residents, the County shall not be required to register additional state-licensed cannabis retail businesses.*
- (iii) *(Optional) The County shall limit the number of cannabis retail businesses to three (3) businesses.*

Section 12.03 – Requirements for Cannabis Businesses

A. Minimum Setback Requirements

- (i) Todd County shall prohibit the operation of a cannabis business within:
 - 1) 1,000' of a school
 - 2) 500' of a day care
 - 3) 500' of a residential treatment facility
 - 4) 500' of a public park including playgrounds and athletic fields
 - 5) 500' of a legally established residence
 - 6) *Reciprocal Setbacks?*

B. Zoning and Land Use

- (i) Cultivation - Cannabis businesses licensed or endorsed for cultivation are permitted as a *Conditional Use* in the following zoning districts:
 - 1) Agriculture/Forestry 1
 - 2) Agriculture/Forestry 2
 - 3) Commercial
- (ii) Cannabis Manufacturer - Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a *Conditional Use* in the following zoning districts:
 - 1) Agriculture/Forestry 1
 - 2) Agriculture/Forestry 2
 - 3) Commercial
- (iii) Hemp Manufacturer - Businesses licensed or endorsed for low-potency hemp edible manufacturers permitted as a *Conditional Use* in the following zoning districts:
 - 1) Agriculture/Forestry 1
 - 2) Agriculture/Forestry 2
 - 3) Commercial
- (iv) Wholesale - Cannabis businesses licensed or endorsed for wholesale are permitted as a *Conditional Use* in the following zoning districts:
 - 1) Agriculture/Forestry 1

- 2)Agriculture/Forestry 2
- 3)Commercial
- (v) Cannabis Retail - Cannabis businesses licensed or endorsed for cannabis retail are permitted as a *Conditional Use* in the following zoning district:
 - 1) Commercial
- (vi) Cannabis Transportation - Cannabis businesses licensed or endorsed for transportation are permitted as a *Conditional Use* in the following zoning districts:
 - 1)Agriculture/Forestry 1
 - 2)Agriculture/Forestry 2
 - 3)Commercial
- (vii) Cannabis Delivery - Cannabis businesses licensed or endorsed for delivery are permitted as a *Conditional Use* in the following zoning districts:
 - 1)Agriculture/Forestry 1
 - 2)Agriculture/Forestry 2
 - 3)Commercial
- C. 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.
- D. Advertising - Cannabis businesses are allowed to erect up to two fixed signs on the exterior of the building or property of the business. Cannabis business signs shall not exceed 32 square feet in size. Signs larger than 32 square feet shall only be allowed when affixed to the exterior of a building. Electronic signs shall not be allowed.

Section 12.04 – Temporary Cannabis Events

- A. License or Permit Required for Temporary Cannabis Events
 - (i) License Required - A license or permit is required to be issued and approved by Todd County prior to holding a Temporary Cannabis Event.
 - (ii) Registration and Application Procedure - A registration fee, as established in Todd County's fee schedule, shall be charged to applicants for Temporary Cannabis Events.
 - (iii) Application Submittal and Review – Todd County shall require an application for Temporary Cannabis Events.
 - i. An applicant for a retail registration shall fill out an application form, as provided by Todd 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 applicant
 - 3. *Insert additional standards here*
 - ii. The applicant shall include with the form:
 - 1. the application fee as required in Part A.
 - 2. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.
 - iii. The application shall be submitted to Todd County, 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.

- iv. 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.
- v. The application fee shall be non-refundable once processed.
- vi. The application for a license for a Temporary Cannabis Event shall meet the following standards:
 - 1. *Location requirements?*
 - 2. *Hours of the event?*
 - 3. *Additional Standards?*
- vii. A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.
- viii. A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. Todd County shall notify the applicant of the standards not met and basis for denial.

Section 12.05 – Lower-Potency Hemp Edibles –

- A. Sale of Low-Potency Hemp Edibles - The sale of Low-Potency Edibles is permitted, subject to the conditions within this Section.
- B. Zoning Districts - Low-Potency Edibles businesses are permitted as an *allowed use* in the following zoning districts:
 - a. *Commercial*
- C. Additional Standards
 - a. The sale of Low-Potency Edibles is permitted in a Municipal Liquor Store.
 - b. The sale of Low-Potency Edibles is permitted only in places that admits persons 21 years of age or older.
 - c. The sale of Low-Potency Hemp Beverages is permitted in places that meeting the requirements of this Section.
 - d. Low-Potency Edibles shall be sold behind a counter and stored in a locked case.

Section 12.06 – Local Government as a Cannabis Retailer –

Section 12.07 – Use in Public Places

- A. 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.
- B. Use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products shall be conducted in compliance with the Todd County Public Use Ordinance.

Definitions will be incorporated into Definitions Section

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 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.

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

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

Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.

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

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

Retail Registration: An approved registration issued by the (insert local here) to a state licensed cannabis retail business.

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

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

Article XII. Regulation of Cannabis Business Draft

Section 12.01- Administration

A Findings and Purposes: Bruce Township make the following legislative findings: The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes Bruce Township to protect the public health, safety, welfare of Bruce Township residents by regulating cannabis businesses within the legal boundaries of Bruce Township. Bruce Township finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Bruce Township, 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 public interest and for the public good.

B Authority and Jurisdiction: Bruce Township has the authority to adopt this ordinance pursuant to:

(i) 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 operation of a cannabis business provided that such 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.

(i) Minn. Stat. 342.13 (c), A LOCAL UNIT OF GOVERNMENT MAY ADOPT REASONABLE RESTRICTIONS ON THE TIME, PLACE, AND MANNER OF OPERATION OF A CANNABIS BUSINESS PROVIDED THAT SUCH RESTRICTIONS DO NOT PROHIBIT THE ESTABLISHMENT OR OPERATION OF CANNABIS BUSINESS. A LOCAL UNIT OF GOVERNMENT MAY PROHIBIT THE OPERATION OF AN 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 A PLAYGROUND OR ATHLETIC FIELD.

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

(ii) MINN. STAT. 342.22, RETAILERS, LOCAL REGISTRATION AND ENFORCEMENT Subd. 1 Registration required. Before making retail sales to customers or patients, a cannabis microbusiness with a retail operations endorsement, cannabis mezzo business with a retail operations endorsement, cannabis retailer, medical cannabis retailer, medical cannabis combination business, or lower-potency hemp retailer must register with the city, town, or county in which the retail establishment is located. A county may issue a registration in cases where a city or town has provided consent for the county to issue the registration for the jurisdiction.

(iii) Minn. Stat. 1520263, Subd 5, regarding the use of cannabis in public places.

(iii) Minn. Stat 1520263, Cannabis Possession Crimes

Subd. 5, Use of cannabis in public. A local unit of government may adopt an ordinance establishing a petty misdemeanor offense for a person who unlawfully uses cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place provided that the definition of public place does not include the following:

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

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

See attached Minn Stat. 462.357

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 Bruce Town Board of Supervisors are 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.

Section 12.02- Registration of Cannabis Business.

A Consent to registering of Cannabis Business.

(i) No individual or entity may operate a state-licensed cannabis retail business within Bruce Township without first registering with Todd County and Bruce Township. Any state-licensed retail business that sells to a customer or patient without valid registration shall incur a civil penalty of (or 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.

B. Compliance Checks Prior to Retail Registration.

(i). Prior to issuance of a cannabis retail business registration, Bruce Township 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, Bruce Township 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 AND APPLICATION PROCEDURES.

(i) . Fees- Bruce Township shall not charge an application fee. A registration fee, as established in Bruce Township' 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 (see attached), 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 Bruce Township shall be charged at the time of the second renewal and each subsequent renewal thereafter. A renewal retail registration fee shall not exceed \$1000 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.

Under Minn Stat. 342.22, subd. 2, registration fee. (a local unit of government may impose an initial retail registration fee of \$500 or up to half of the amount of the applicable initial license fee under section 342.11, whichever is less. The local unit of government may also impose a renewal retail registration fee of \$1000.00 or up to half the amount of the applicable renewal license fee under section 342.11., whichever is less. The initial registration fee shall include the fee for initial registration and the first annual renewal. Any renewal fee imposed by the local unit of government shall be charged at the time of the second renewal and each subsequent annual renewal thereafter.

(b) the local government may not charge an application fee

(c) a cannabis business with a cannabis retailer license and a medial cannabis retailer license for the same location may only be charged a single registration fee.

(d) registration fees are nonrefundable.

(ii) Application Submittal- Bruce Township shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. State. 342.22

1) An applicant for a retail registration shall fill out an application form, as provided by Bruce Township. Said form shall include, but is not limited to:

a) Full name of the property owner and applicant

b) Address, email address, and telephone number of the applicant

c) The address and parcel ID for the property which the retail registration is sought

d) Certification that the applicant complies with the requirements of local ordinances established pursuant to MN Stat. 342.13

MN STAT. 342.13 LOCAL CONTROL

(A.) A LOCAL UNIT OF GOVERNMENT MAY NOT PROHIBIT THE POSSESSION, TRANSPORTATION, OR USE OF CANNABIS FLOWER, CANNABIS PRODUCTS, LOWER-POTENCY HEMP EDIBLES, OR HEMP-DERIVED CONSUMER PRODUCTS AUTHORIZED UNDER THIS CHAPTER.

(B) EXCEPT AS PROVIDED IN SECTION 342.22, A LOCAL UNIT OF GOVERNMENT MAY NOT PROHIBIT THE ESTABLISHMENT OR OPERATION OF A CANNABIS BUSINESS LICENSED UNDER THIS CHAPTER.

(C) A LOCAL UNIT OF GOVERNMENT MAY ADOPT REASONABLE RESTRICTIONS ON THE TIME, PLACE, AND MANNER OF OPERATION OF A CANNABIS BUSINESS PROVIDED THAT SUCH RESTRICTIONS DO NOT PROHIBIT THE ESTABLISHMENT OR OPERATION OF CANNABIS BUSINESSES. A LOCAL UNIT OF GOVERNMENT MAY PROHIBIT THE OPERATION OF A CANNABIS BUSINESS WITHIN 1000 FT. 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, INCLUDE A PLAYGROUND OR ATHLETIC FIELD.

(D) THE OFFICE SHALL WORK WITH LOCAL UNITS OF GOVERNMENT TO:

(1). DEVELOP MODEL ORDINANCES FOR REASONABLE RESTRICTIONS ON THE TIME, PLACE, AND MANNER OF THE OPERATION OF A CANNABIS BUSINESS.

(2) DEVELOP STANDARDIZED FORMS AND PROCEDURES FOR THE ISSUANCE OF A RETAIL REGISTRATION PURSUANT TO SECTION 342.22; AND

(3) DEVELOP MODEL POLICIES AND PROCEDURES FOR THE PERFORMANCE OF COMPLIANCE CHECKS REQUIRED UNDER SECTION 342.22.

(E) THIS DEALS WITH ALLOWING AN INTERIM ORDINANCE

(F) WITHIN 30 DAYS OF RECEIVING A COPY OF AN APPLICATION FROM THE OFFICE, A LOCAL UNIT OF GOVERNMENT SHALL CERTIFY ON A FORM PROVIDED BY THE OFFICE WHETHER A PROPOSED CANNABIS BUSINESS COMPLIES WITH LOCAL ZONING ORDINANCES AND, IF APPLICABLE, WHETHER THE PROPOSED BUSINESS COMPLIES WITH THE STATE FIRE CODE AND BUILDING CODE. THE OFFICE MAY NOT ISSUE A LICENSE IF A CANNABIS BUSINESS DOES NOT MEET LOCAL ZONING AND LAND USE LAWS.

(G). UPON RECEIPT OF AN APPLICATION FOR A LICENSE ISSUED UNDER THIS CHAPTER, THE OFFICE SHALL CONTACT THE LOCAL UNIT OF GOVERNMENT IN WHICH THE BUSINESS WOULD BE LOCATED AND PROVIDE THE LOCAL UNIT OF GOVERNMENT WITH 30 DAYS IN WHICH TO PROVIDE INPUT ON THE APPLICATION. THE LOCAL UNIT OF GOVERNMENT MAY PROVIDE THE OFFICE WITH ANY ADDITIONAL INFORMATION IT BELIEVES IS RELEVANT TO THE OFFICE'S DECISION ON WHETHER TO ISSUE A LICENSE, INCLUDING BUT NOT LIMITED TO IDENTIFYING CONCERNS ABOUT THE PROPOSED LOCATION OF A CANNABIS BUSINESS OR SHARING PUBLIC INFORMATION ABOUT AN APPLICANT.

(H) THE OFFICE BY RULE SHALL ESTABLISH AN EXPEDITED COMPLAINT PROCESS TO RECEIVE, REVIEW, AND RESPOND TO COMPLAINTS MADE BY A LOCAL UNIT OF GOVERNMENT ABOUT A CANNABIS BUSINESS. COMPLAINTS MAY INCLUDE ALLEGED

VIOLATIONS OF LOCAL ORDINANCES OR OTHER ALLEGED VIOLATIONS. 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. NOTHING IN THIS PARAGRAPH PROHIBITS A LOCAL UNIT OF GOVERNMENT FROM ENFORCING A LOCAL ORDINANCE. IF A LOCAL UNIT OF GOVERNMENT NOTIFIES THE OFFICE THAT A CANNABIS BUSINESS OTHER THAN A CANNABIS RETAILER, CANNABIS MICORBUSINESS WITH A RETAIL OPERATIONS ENDORSEMENT, CANNABIS MEZZOBUSINESS, LOWER-POTENCY HEMP EDIBLE RETAILER, MEDICAL CANNABIS RETAILER, OR MEDICAL CANNABIS COMIBINATION BUSINESS POSES AN IMMEDIATE THREAT TO THE HEALTH OR SAFETY OF THE PUBLIC, THE OFFICE MUST RESPOND WITHIN ONE BUSINESS DAY AND MAY TAKE ANY ACTION DESCRIBED IN SECTION 342.19 OR 342.21

**MN STAT 342.19 :
ATTACHED.**

**MN. STAT 342.21
ATTACHED.**

(e) Additional Standards

2) The applicant shall include with the form:

- a) The applicant fee as required in part (i)
- b) A copy of a valid state license or written notice of OCM license preapproval
- c) Additional Standards

3. Once an application is considered complete , Bruce Township shall inform the applicant as such, process the application fees, and move the application forward for approval or denial.

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

(iii) Application Approval

1) (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 F.

SECTION F : LIMITING REGISTRATIONS

(i) Bruce Township shall limit the number of cannabis retail business to no fewer than once registration for every 12,500 residents within Todd County.

(ii) If Todd County has one active cannabis retail business registration for every 12,000 residents, Bruce Township shall not be required to register additional state-license cannabis retail businesses.

(iii) (Optional) The County shall limit the number of cannabis retail businesses to three businesses.

2) A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.

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

(iv) Annual Compliance Checks

1. Bruce Township shall complete at a minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under (MN STAT. 342.22 Subd 4 (b) **The local unit of government must conduct unannounced age verification compliance checks at least once each calendar year. Age verification compliance checks must 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 employer of the local unit of government.** And MN STAT. 342.24 **see attached** and this/these (chapter/section/ordinance). Bruce Township 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.

(v) Location Change

1) 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 Bruce Township.

Or

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

D. Renewal of Registration:

Bruce Township 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 retail business shall apply to renew registration on a form established by Bruce Township. A cannabis retail registration issued under this ordinance shall not transferred.

(i) **Renewal Fees-** Bruce Township may charge a renewal fee for the registration starting at the second renewal, as established in the Bruce Townships fee schedule.

(ii) **Renewal Application-** The application for renewal of a retail registration shall include, but is not limited to:

1. Items required under Section C, (iii)(1)
2. Additional items

E. Suspension of Registration

(i). **When Suspension is Warranted-** Bruce Township may suspend a cannabis retail business's registration if it violated the ordinance of Bruce Township or poses an immediate threat to the health or safety of the public. Bruce Township shall immediately notify the cannabis retail business in writing with grounds for the suspension.

(ii) **Notification to OCM-** Bruce Township shall immediately notify the OCM in writing the grounds for suspension. OCM will provide Bruce Township and the cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

(iii) **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. Bruce Township may reinstate a registration if it determines that the violations have been resolved. Bruce Township shall reinstate a registration if OCM determines that the violation (s) have been resolved.

(iv) **Civil Penalties-** Subject to MN Stat 342.22, subd.5(e), **no cannabis microbusiness with a retail operations endorsement, cannabis mezzo business with a retail operations endorsement, cannabis retailer, medical cannabis retailer, medical cannabis combination business, or lower-potency hemp edible retailer may make any sale to a customer or patient without a valid retail registration. A local government may impose a civil penalty of up to \$2000 for each violation of this paragraph.**

F. Limiting Registrations

(i) Bruce Township shall limit the number of cannabis retail business to no fewer than one registration for every 12,500 residents within Todd County.

(ii) If Bruce Township has one active cannabis retail business registration for every 12,500 residents, the Township shall not be required to register additional state-licensed cannabis retail businesses.

Section 12.03 Requirements for Cannabis Businesses

A. Minimum Setback Requirements

(i) Bruce Township shall prohibit the operation of a cannabis business within:

1. 1000 ft. of a school
2. 500 ft. of a daycare
3. 500 ft. of a residential treatment facility
4. 500 ft. of a public park including playgrounds and athletic fields
5. 500 ft. of a legally established residence
6. **RECIPRICAL SETBACKS ?**

B. Zoning and Land Use

(i) Cultivation- Cannabis businesses licensed or endorsed for cultivation are permitted as Conditional Use in the following zoning districts.

- a. AF-1, Agriculture/Forestry 1
- b. AF-2, Agriculture/Forestry 2
- c. Commercial

(ii). Cannabis Manufacturer - Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a Conditional Use in the following zoning districts:

- a. AF-1, Agriculture/ Forestry 1
- b. AF-2, Agriculture/Forestry 2
- c. Commercial

(iii). Hemp Manufacturer- Business licensed or endorsed for low-potency hemp edible manufacturers permitted as a Conditional Use in the following zoning districts:

- a. Af-1, Agriculture/Forestry 1
- b. Af-2, Agriculture/ Forestry 2
- c. Commercial

iv) Wholesale – Cannabis businesses licensed or endorsed for wholesale are permitted as a Conditional Use in the following zoning districts:

- a.) AF-1, Agriculture/Forestry 1
- b.) AF-2, Agricultural/Forestry 2
- c.) Commercial

(v) Cannabis Retail – Cannabis businesses licensed or endorsed for cannabis retail are permitted as a Conditional Use in the following zoning district:

- a.) Commercial

(vi) Cannabis Transportation- Cannabis businesses licensed or endorsed for transportation are permitted as a Conditional Use in the following zoning districts:

- 1) AF-1, Agricultural/Forestry 1
- 2) AF-2, Agricultural/Forestry 2
- 3) Commercial

(vii) Cannabis Delivery- Cannabis businesses licensed or endorsed for delivery are permitted as a Conditional Use in the following zoning districts:

- 1) AF-1, Agricultural/ Forestry 1
- 2) AF-2, Agricultural/Forestry 2
- 3) Commercial

C. 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.

D. Advertising- Cannabis businesses are allowed to erect up to two fixed signs on the exterior of the building or property of the business. Cannabis business signs shall not exceed 32 square feet in size. Signs larger than 32 square feet shall only be allowed when affixed to the exterior of a building. Electronic signs shall not be allowed.

Section 12.04- Temporary Cannabis Events

A. License or Permit Required for Temporary Cannabis Events

(i). Licensed Required- A license or permit is required to be issued and approved by Bruce Township prior to holding a Temporary Cannabis Event.

(ii) Registration and Application Procedure- A registration fee, as established in Bruce Township’s fee schedule, shall be charged to applicants for Temporary Cannabis Events.

(iii) Application submittal and Review- Todd Country shall require an application for temporary cannabis events.

i. An applicant for a retail registration shall fill out an application form, as provided by Bruce Township. Said form shall include, but is not limited to:

- a. Full name of the property owner and applicant.
- b. Address, email address, and telephone number of the applicant
- c. **Additional standards here**

ii. The applicant shall include with the form:

- a. The applicant fee as required in Part A
- b. A copy of the OCM cannabis event license application, submitted pursuant to 342.39, subd. 2 **Additional information required. In addition to the information required to be submitted under section 342.14 (see attached), and rules adopted pursuant to that**

section, a person, cooperative, or business seeking a cannabis event organizer license must submit the following information in a form approved by the office.

(1) the type and number of any other cannabis business license held by the applicant.

(2) the address and location where the temporary cannabis event will take place.

(3) the name of the temporary cannabis event.

(4) a diagram of the physical layout of the temporary cannabis event showing where the event will take place on the grounds, all entrances and exits that will be used by participants during the event, all cannabis consumption areas, all cannabis retail areas, where cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products will be sold, the location where cannabis waste will be stored, and any location where cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products will be stored.

(5) a list of the name, number, and type of cannabis businesses that will sell cannabis plants, adult-use cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products at the event, which may be supplemented or amended within 72 hours of the time at which the cannabis event begins;

(6) the dates and hours during which the cannabis event will take place.

(7) proof of local approval of the cannabis event; and

(8) evidence that the business will comply with the applicable operation requirements for the license being sought.

(b) A person, cooperative, or business seeking a cannabis event organizer license may also disclose whether the person or any officer, director, manager, and general partner of a cannabis business is serving or has previously served in the military.

iii. The application shall be submitted to Bruce Town Board, or other designee (**the township feels necessary**) 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.

iv. Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the Bruce Town Board of Supervisors for approval or denial.

v. The application for a license for a Temporary Cannabis Event shall meet the following standards.

(1) Location requirements ?

(2) Hours of the event ?

(3) Additional standards

vii. A request for a Temporary Cannabis Even that meets the requirements of this section shall be approved.

viii. A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. Bruce Township shall notify the applicant of the standards not met and basis for denial.

Section 12.05- Lower-Potency Hemp Edibles

A. Sale of low-Potency Hemp Edibles. The sale of Low-Potency Edibles is permitted, subject to the conditions of this Section.

B. Zoning Districts- Low Potency Edibles businesses are permitted as an allowed use in the following zoning districts.

1. Commercial

C. Additional Standards

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

2. The sale of Low-Potency Edibles is permitted only in places that admits persons 21 years of age and older.

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

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

Section 12.06- Local Governments as a Cannabis Retailer

Section 12.07- Use in Public Places

A. 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.

B. Use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products shall be conducted in compliance the Bruce Township Public Use Ordinance.

Definitions

The following are the ones Todd Count has, Mn Sta. 342.01 definitions are in attached page.

A. 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 for mature plant, packaged and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on same premises, and perform other actions approved by the office.

Cannabis Retail Businesses: A retail location and the retail location (s) of a mezzo businesses 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.

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

Lower-potency Hemp Edible: As defined under Mn Stat 342.01 subd. 50 “ **Lower – potency hemp edible” means any product that:**

- 1) is intended to be eaten or consumed as a beverage by humans.**
- 2) contains hemp concentrate or an artificially derived cannabinoid, in combination with food ingredients.**
- 3) is not a drug**
- 4) consists of servings that contain no more than five milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any combination of those cannabinoids that does not exceed the identified amounts**
- 5) does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving**
- 6) does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol.**
- 7) does not contain a cannabinoid derived from cannabis plants or cannabis flower; and**
- 8) is a type of product approved for sale by the office or is substantially similar to a product approved by the office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.**

Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance.

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 Mn Stat. 342.17 (**see attached sheet**)

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 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 MN Stat. 245.462 subd. 23 **Residential Treatment. “ Residential Treatment” means a 24 hour a day program under the treatment supervision of a mental health professional, in a community residential setting other than an acute care hospital or regional treatment center inpatient unit, that must be licensed as a residential treatment program for adults with mental illness under chapter 2451, Minnesota Rules, parts 9520.0500 to 9520.0670, or other rules adopted by the commissioner.**

Retail Registration: An approved registration issued by the Bruce Town Board to state licensed cannabis retail business.

School: A public school as defined under Mn Stat. 120A.05 (see attached sheet) or a nonpublic school that must meet the reporting requirements under Mn Stat 120A.24 (see attached sheet)

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

CONDITIONAL USE PUBLIC HEARING
OCTOBER 14, 2024

Public Hearing was called to order at 7:00p.m. to hear a conditional use request by Brent and Angela VanRisseghem to use an existing building on their property to be an event center.

Present were Mr. & Mrs. VanRisseghem, LeRoy Beuning, Supervisor Brad Mollner, Supervisor Brian Becker, Chairman Tom Gray, Clerk Bev Eggerth, Cody representing Big Stone Excavating.

Todd County Public Health had been contacted and they had no requirements as long as there was no food or alcoholic beverages sold.

Mn. Department of Labor and Industry have some regulations that must be met. They are working with them.

There will be about 4 acres of land available for parking.

Cody from Big Stone Excavating presented a sewer design. He has worked with Todd County on these types of buildings. He is asking to have a 2250 gal. holding tank installed and a record kept of all pumping of tank. After the 2025 season, a system will be designed to meet the capacity needed. Bruce Township will send a copy of all of these pumping records.

Chairman Gray asked if there were any public comments on this Conditional Use Permit. Clerk Eggerth had received no written comments. LeRoy Beuning said he owns the land adjoining this property and is concerned about people trespassing on his property since the VanRisseghem's have removed all the fences between the two properties. Discussion was held between Mr. VanRisseghem and Mr. Beuning. Chairman Gray said a fence problem was not part of this Public Hearing. Mr. VanRisseghem and Mr. Beuning agreed to discuss this matter in private and Mr. VanRisseghem assured him there would be no problem with people parking on Beunings property.

Supervisor Becker made a motion to recommend granting the Conditional Use Permit with the following conditions. Supervisor Mollner seconded.

1. Holding tank will be certified for one-year, pumping records will be sent to Bruce Township, after the 2025 season, a septic design will be submitted.
2. All requirements by the State of Mn. must be met and a letter stating that everything has been done that they require.

Decision will be made at November 12,2024 Town Board meeting.