

OFFICIAL COPY

**Cannabis Businesses Ordinance
Ordinance #114**

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**AN ORDINANCE OF THE COUNTY OF JACKSON, MINNESOTA
TO REGULATE CANNABIS BUSINESSES**

The County Board of Jackson County, Minnesota hereby ordains:

Section 1. Administration

1.1 Findings and Purpose

The Jackson County Board of Commissioners makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes Jackson County to protect the public health, safety, welfare of county residents by regulating cannabis businesses within the legal boundaries of Jackson County.

1.2 Authority & Jurisdiction

The Jackson County Board of Commissioners has the authority to adopt this ordinance pursuant to:

- a) Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
- b) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- c) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- d) Minn. Stat. 394.21, regarding the authority to carry on county planning and zoning ordinances.

This Ordinance shall be applicable to the legal boundaries of Jackson County.

Cities and townships may delegate cannabis retail registration authority to Jackson County. However, cities and townships may adopt ordinances under Sections 2.6 of this ordinance.

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 Jackson County Auditor/Treasurer's Office (or its successor office/department), Jackson County Sheriff's Office and Jackson County Attorney's Office 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.

1.5 Definitions

1. Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01, as may be amended from time to time, or its successor statute, 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 mezzobusiness with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, 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 Jackson County 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

2.1 Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business within Jackson County without first registering with the appropriate registration entity (township, city or county).

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.

2.2 Compliance Checks Prior to Retail Registration

Prior to issuance of a cannabis retail business registration, Jackson 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, Jackson 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.

2.3 Registration & Application Procedure

2.3.1 Fees.

Jackson County shall not charge an application fee.

The initial retail registration fee shall be \$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.

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.

Jackson County 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 Jackson

- County. 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. Other information needed by Jackson County to process the registration.
- b) The applicant shall include with the form:
- i. the registration fee;
 - ii. a copy of a valid state license or written notice of OCM license preapproval;
 - iii. Other information needed by Jackson County to process the registration.
- c) Once an application is considered complete, the Jackson County Auditor/Treasurer's Office (or its successor office/department) shall inform the applicant as such, process the registration fees, and approve or deny the application.
- d) The registration fee shall be non-refundable once processed.

2.3.3 Application Approval

- a) 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 registration 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 registration application that meets the requirements of this ordinance shall be approved.

2.3.4 Annual Compliance Checks.

The Jackson County Sheriff's Office shall complete at minimum one compliance check per calendar year of every cannabis business under Jackson County's registration authority to assess if the business meets the requirements of Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24 and this ordinance.

The Jackson County Sheriff's Office 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

If a state-licensed cannabis retail business registered by Jackson County seeks to move to a new location still within a jurisdiction where Jackson County register's cannabis retail businesses, it shall notify the Jackson County Auditor/Treasurer's Office (or its successor office/department) of the proposed location change, and submit necessary information to meet all the criteria in this ordinance. If a state-licensed cannabis retail business registered by Jackson County moves to a

new location where Jackson County does not register cannabis retail businesses, the business shall notify the Jackson County Auditor/Treasurer's Office and the registering jurisdiction (city or township) it is locating to.

2.4 Renewal of Registration

Jackson 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 Jackson County.

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

2.4.1 Renewal Fees.

A renewal retail registration fee shall be not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less. The renewal fee shall be charged at the second renewal and each subsequent renewal thereafter.

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.

2.5 Suspension of Registration

2.5.1 When Suspension is Warranted.

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

2.5.2 Notification to OCM.

Jackson County shall immediately notify the OCM in writing of the grounds for the suspension. OCM will provide Jackson County 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.

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.

Jackson County 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), Jackson County may impose a civil penalty for registration violations, not to exceed \$2,000.

2.6 Limiting of Registrations

Jackson County shall limit the number of cannabis retail businesses to one registration for every 12,500 residents within Jackson County.

If Jackson County has one active cannabis retail businesses registration for every 12,500 residents, Jackson County shall not register additional state-licensed cannabis retail businesses in any city or township which has delegated registration authority to Jackson County.

Applications will be reviewed in the order applications were received, starting with the earliest received. Incomplete applications or those not following the requirements of this Ordinance will be removed from the order.

Section 3. Requirements for Cannabis Businesses

3.1 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 10:00 a.m. and 9:00 p.m.

3.2 Advertising

Cannabis businesses shall adhere to Jackson County, state or local's sign ordinances.

3.3 Zoning and Land Use

Cannabis businesses shall adhere to the Jackson County Development Code and other applicable county and local ordinances.

Section 4. Temporary Cannabis Events

4.1 License or Permit Required for Temporary Cannabis Events

4.1.1 OCM License Required.

An OCM cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four days.

4.1.2 Interim Use Permit. An interim use permit is required to be issued and approved by Jackson County prior to holding a temporary cannabis event on property under Jackson County's Development Code jurisdiction.

4.1.3 Other Local Approvals. Temporary cannabis events held in locations that are not under Jackson County's Development Code jurisdiction must obtain the required permits and licenses from the jurisdiction where the event will be held.

4.1.4 Registration & Application Procedure

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

4.1.5 Application Submittal & Review.

Jackson County shall require an application for Temporary Cannabis Events.

- A) An applicant for a retail registration shall fill out an application form, as provided by Jackson County. 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. Detailed description, dates, hours and location of the event;
 - iv. Other information needed by Jackson County to determine if a cannabis event license should be approved or denied.

- B) The applicant shall include with the form:
 - i. the application fee as required in Section 4.1.4;
 - ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

The application shall be submitted to the Jackson County Auditor/Treasurer's Office, or other designee for review. If the Auditor/Treasurer's Office 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 Auditor/Treasurer's Office shall inform the applicant as such, process the application fees, and approve or deny the application.

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

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

- F) A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. Jackson County shall notify the applicant of the standards not met and basis for denial.

- G) Temporary cannabis events shall only be held between the hours of 10:00 a.m. and 9:00 p.m.

- H) Jackson County shall not register any temporary cannabis event which seeks to host a temporary cannabis event on any property owned or operated by Jackson County. This prohibition includes: any park or trail, public street, county highway or road, or any public sidewalk, or any building owned or operated by Jackson County.

- I) Jackson County shall not register any temporary cannabis event which seeks to host a temporary cannabis event on any property owned or operated by any city or township which has delegated registration authority of cannabis businesses and temporary cannabis events to Jackson County. This prohibition includes: any park or trail, public street, county highway or road, or any public sidewalk, or any building owned or operated by a city or township that delegated registration authority to the county.
 - i. Exception: Jackson County shall register a temporary cannabis event on any property owned or operated by any city or township which has delegated registration authority of cannabis businesses and temporary cannabis events to Jackson County if:

- a. The applicant meets all the requirements of this and other county ordinances, local ordinances, state statutes and rules; and
 - b. The applicant obtains formal written approval to have the event on city or township property from the city council or township board where the event will be held.
- J) On-site consumption of cannabis during a temporary cannabis event which occurs at a place of public accommodation is permitted, provided the place of public accommodation allows such use.

Section 5. Local Government as a Cannabis Retailer

Any city in Jackson County and Jackson County may establish, own, and operate one municipal cannabis retail business each subject to the restrictions in Minnesota Statutes Chapter 342.

Any municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses under Section 2.6.

Any Jackson County city and Jackson County shall be subject to all same retail license requirements and procedures applicable to all other applicants.

Section 6. Effective Date

This Ordinance shall be in full force and effect upon the date of its passage.

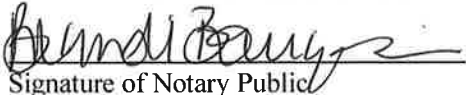
ADOPTED by the Jackson County Board of Commissioners this 17th day of December, 2024.


 Don Wachal, County Board Chair

Attest:

 Ryan Krosch, Jackson County Administrator

Subscribed and sworn before me this 17th day of December, 2024.

 Signature of Notary Public	<u>1/31/2024</u> Date Commissioner Expires
<u>Brandi Bourquin</u> Printed Name of Notary Public	<u>JACKSON</u> County of Residence

