



# Board of County Commissioners Agenda Request

3A

Agenda Item #

**Requested Meeting Date:** October 22, 2024

**Title of Item:** First Reading - Cannabis Ordinance

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	<b>Action Requested:</b> <input type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input checked="" type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
<b>Submitted by:</b> Andrew Carlstrom		<b>Department:</b> Environmental Services
<b>Presenter (Name and Title):</b> Andrew Carlstrom, Environmental Services Director		<b>Estimated Time Needed:</b> 10 Minutes
<b>Summary of Issue:</b>  The Aitkin County Planning Commission met for a Public Hearing on September 16, 2024 to discuss the proposed draft "Aitkin County Cannabis Ordinance". The Planning Commission voted unanimously to approve and forward to the County Board for a Public Hearing. On September 24, 2024, the County Board agreed to set October 22, 2024 for the First Reading and Public Hearing. Second Reading and decision will be made on November 12, 2024.  In accordance with MN Statute 394 and Rule 11 of the Aitkin County Ordinances and Procedures of the Board of Commissioners Meeting Procedures and Rules of Business Board of Commissioners, two readings shall be conducted prior to the adoption of the amendment.  Please see attached ordinance.		
<b>Alternatives, Options, Effects on Others/Comments:</b> Discussion Only		
<b>Recommended Action/Motion:</b> Discussion Only		
<b>Financial Impact:</b> Is there a cost associated with this request? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What is the total cost, with tax and shipping? \$ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

# AITKIN COUNTY

## CANNABIS ORDINANCE

CANNABIS ORIENTED BUSINESS AND LAND USE

(Draft as of September 24, 2024)

Red are additions and strikethroughs are deletions since September 16, 2024 draft

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# **AN ORDINANCE OF THE COUNTY OF AITKIN TO REGULATE CANNABIS ORIENTED BUSINESSES AND LAND USE**

## **SECTION 1 ADMINISTRATION**

### **1.1 Findings and Purpose**

Aitkin County makes the following legislative findings:

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

Aitkin County finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Aitkin 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.

### **1.2 Authority & Jurisdiction**

Aitkin County 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. 462.357, regarding the authority of a local authority to adopt zoning ordinances. Ordinance shall be applicable to the legal boundaries of Aitkin County.

~~For Aitkin County jurisdictions that have opted into county zoning per the Aitkin County Cannabis Ordinance section 3, Aitkin County will be the registration authority for those jurisdictions unless that jurisdiction opts out of county zoning per the Aitkin County Cannabis Ordinance section 3.~~

### **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

Aitkin County 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 Minnesota 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

Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.

**1. Cannabis Business:** A “Cannabis Business” means any of the following licensed operations: cannabis microbusiness, cannabis mezzo business, cannabis cultivator, cannabis manufacturer, cannabis retailer, cannabis wholesaler, cannabis transporter, cannabis testing facility, cannabis event organizer, cannabis delivery service, medical cannabis cultivator, medical cannabis processor, medical cannabis retailer, and medical cannabis combination business.

**2. Cannabis Cultivator:** A “Cannabis Cultivator” may grow cannabis plants within the approved amount of space from seed to immature plant to mature plant, harvest cannabis flower, package and label immature cannabis plants and seedlings and cannabis flower, and transport cannabis flower to cannabis manufacturers.

**3. 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.

**4. Cannabis Delivery Service:** A “Cannabis Delivery Service” may purchase cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from licensed cannabis microbusinesses with a retail endorsement, cannabis mezzo businesses with a retail endorsement, cannabis retailers, medical cannabis retailers, and medical cannabis combination businesses; transport and deliver cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumable products to customers; and perform other actions approved by the Office of Cannabis Management. Prior to completing a delivery, a cannabis delivery service must verify that the customer is at least 21 years of age or is enrolled in the registry program. The Office of Cannabis Management shall establish limits on the amount of cannabis and hemp products that a cannabis delivery service may transport. Cannabis and hemp must be stored in a locked, safe, and secure storage compartment that is part of the cannabis delivery vehicle.

**5. Cannabis Event Organizer:** A “Cannabis Event Organizer” may organize a temporary cannabis event lasting no more than four days. A cannabis event organizer must receive local

approval, including obtaining any necessary permits or licenses issued by a local unit of government before holding a cannabis event. If approved by the local unit of government, a cannabis event may designate an area for consumption of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or any combination of those items.

**6. Cannabis Manufacturer:** A “Cannabis Manufacturer” may purchase cannabis flower, cannabis products hemp plant parts, hemp concentrate, and artificially derived cannabinoids from a cannabis business, purchase hemp plants and hemp concentrates, make cannabis hemp concentrate, manufacture artificially derived cannabinoids, manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp derived consumer products, and sell cannabis concentrate, hemp concentrate, artificially derived cannabinoids, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to other cannabis businesses.

**7. Cannabis Mezzo Business:** A “Cannabis Mezzo Business” may grow cannabis from seed or immature plant for cannabis products or medical cannabis flower, make cannabis and hemp concentrate, manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumers products for public consumption, process medical cannabinoid products, sell immature cannabis plants and seedlings, and purchase cannabis concentrate, hemp concentrate, and synthetically derived cannabinoids from another cannabis business. A cannabis mezzo business that cultivates cannabis at an indoor facility may cultivate up to 15,000 square feet of plant canopy. A cannabis mezzo business that cultivates cannabis at an outdoor location may cultivate up to one acre of mature, flowering plants.

**8. Cannabis Microbusiness:** A “Cannabis Microbusiness” may grow cannabis plants, make cannabis concentrate, make hemp concentrate, manufacture artificially derived cannabinoids, manufacture adult-use cannabis products, lower potency hemp edibles, and hemp derived consumer products for public consumption, purchase hemp or hemp concentrate parts, package and label cannabis and hemp products, and sell cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp products, and hemp-derived consumer products. A cannabis microbusiness that cultivates cannabis at an indoor facility may cultivate up to 5000 square feet of plant canopy. A cannabis microbusiness that cultivates cannabis at an outdoor location may cultivate up to one-half acre of mature, flowering plants. A cannabis microbusiness with the appropriate endorsement may operate one retail location. A cannabis microbusiness may permit on-site consumption of edible cannabis products and lower-potency hemp edibles on a portion of its premises. Cannabis microbusiness must ensure that the display and consumption of any edible product or lower-potency hemp edible is not visible from outside the licensed premises of the business.

**9. 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. A “Cannabis Retailer” may purchase immature cannabis plants and seedlings, cannabis flower, cannabis products, and lower-potency hemp products, from cannabis businesses, and sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to customers.

**10. 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.

**11. Cannabis Testing Facility:** A “Cannabis Testing Facility” may obtain and test immature cannabis plants and seedlings, cannabis flower, cannabis products, hemp plant parts, hemp concentrate, artificially derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzo businesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis cultivators, medical cannabis processors, medical cannabis combination businesses, and industrial hemp growers.

**12. Cannabis Transporter:** A “Cannabis Transporter” may transport immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzo businesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis retailers, medical cannabis processors, and industrial hemp growers to cannabis microbusinesses, cannabis mezzo businesses, cannabis manufacturers, cannabis testing facilities, cannabis wholesalers, cannabis retailers, lower-potency hemp edible retailers, medical cannabis processors, medical cannabis retailers, and medical cannabis combination businesses and perform other actions approved by the Office of Cannabis Management.

**13. Cannabis Wholesaler:** A “Cannabis Wholesaler” may purchase immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from cannabis businesses, and purchase hemp plant parts and hemp concentrates. Cannabis wholesalers may sell immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to cannabis microbusinesses, cannabis mezzo businesses, cannabis manufacturers, and cannabis retailers, sell lower-potency hemp edibles to lower-potency-hemp edible retailers, and import hemp-derived consumer products and lower-potency hemp edibles that contain hemp concentrate or artificially derived cannabinoids.

**14. Compliance Checks:** The system the County uses to investigate and ensure that those authorized to sell licensed products are following and complying with the requirements of this ordinance. COMPLIANCE CHECKS may also be conducted by the County or other units of government for educational, research, and training purposes or for investigating or enforcing federal, state, or local laws and regulations related to licensed products.

**15. 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.



**16. Home Occupation:** Means a home occupation or professional offices, provided that no such use occupies more than 25% of the total floor area of the dwelling or accessory building. Provided further that no more than one non-resident is employed on the premises. Such use does not include an activity that would create a nuisance or be otherwise incompatible with the surrounding residential area. Only one unlighted sign not exceeding nine (9) square feet in area may be displayed.

**17. Lower-potency Hemp Edible:** A “Lower-Potency Hemp Edible” means any product: (1) that 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.

**18. Lower-potency Hemp Edible Manufacturer:** A “Lower-Potency Hemp Edible Manufacturer” may purchase hemp plant parts, hemp concentrate, and artificially derived cannabinoids from cannabis microbusinesses, cannabis mezzo businesses, cannabis manufacturers, cannabis wholesalers, and lower-potency edible manufactures . Lower-potency hemp edibles manufacturers may also purchase hemp parts and hemp concentrate, make hemp concentrate, manufacture artificially derived cannabinoids, manufacture lower-potency hemp edibles for public consumption, package and label lower potency hemp edibles, and sell hemp concentrate, artificially derived cannabinoids, and lower-potency hemp enables to other cannabis businesses ad hemp businesses.

**19. Lower-potency Hemp Edible Retailer:** A “Lower-Potency Hemp Edible Retailer” may only sell lower-potency hemp edibles to individuals who are at least 21 years of age. A lower-potency hemp edible retailer may sell lower-potency hemp edibles that are obtained from a licensed Minnesota cannabis microbusiness, cannabis mezzo business, cannabis manufacturer, cannabis wholesaler, or lower-potency hemp edible manufacturer, and meet all applicable packaging and labeling requirements.

**20. Medical Cannabis Combination Business:** A “Medical Cannabis Combination Business” may grow cannabis plants from seed to immature pant to mature plant and harvest adult-use cannabis flower and medical cannabis flower from a mature plant, make cannabis concentrate, make cannabis and hemp concentrate, manufacture artificially derived cannabinoids, manufacture medical cannabinoid products, package and label medical cannabis and medical cannabinoid products for sale to medical cannabis processors, medical cannabis retailers, other medical cannabis combination businesses, and patients enrolled in the registry program, registered caregivers, and parents, legal guardians, and spouses of an enrolled patient.

**21. Medical Cannabis Cultivator:** A “Medical Cannabis Cultivator” may grow cannabis plants within the approved amount of space (60,00 square feet of plant canopy) from seed or immature plant, harvest cannabis flower from a mature plant, package and label cannabis flower as medical cannabis flower, sell medical cannabis flower to medical cannabis processors and medical cannabis retailers, transport medical cannabis flower to a medical cannabis processor located on the same premises, and perform other actions approved by the Office of Cannabis Management. A medical cannabis cultivator must verify that every batch of medical cannabis flower has passed safety, potency and consistency testing at a cannabis testing facility approved by the Office of Cannabis Management for the testing of medical cannabis flower before the medical cannabis cultivator may package, label, or sell the medical cannabis flower to any other entity.

**22. Medical Cannabis Processor:** A “Medical Cannabis Processor” may purchase medical cannabis flower, medical cannabinoid products, hemp plant parts, and hemp concentrate from medical cannabis cultivators and other medical cannabis processors, purchase hemp plant parts from industrial hemp growers, make cannabis and hemp concentrate from medical cannabis flower, manufacture medical cannabinoid products, package and label medical cannabinoid products for sale to other medical cannabis processors and to medical cannabis retailers. A medical cannabis processor must verify that every batch of medical cannabis flower has passed safety, potency, and consistency testing at a cannabis testing facility approved by the Office of Cannabis Management for testing of medical cannabis flower before the medical cannabis cultivator may package, label, or sell the medical cannabis flower to any other entity.

**23. Medical Cannabis Retailer:** A “Medical Cannabis Retailer” may purchase medical cannabis flower and medical cannabinoid products from medical cannabis cultivators and medical cannabis processors and sell or distribute medical cannabis flower and medical cannabinoid products to any person authorized to receive medical cannabis flower or medical cannabinoid products.

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

**25. 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.

**26. Preliminary License Approval:** OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.

**27. 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.

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

**29. Retail Registration:** An approved registration issued by Aitkin County to a state-licensed cannabis retail business.

**30. 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.

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

**32. Youth-Oriented Facility:** Any facility with residents, customers, visitors, or inhabitants of which 25 percent or more are regularly under the age of 21 or that primarily sells, rents, or offers services or products that are consumed or used primarily by persons under the age of 21. A youth-oriented facility includes, but is not limited to schools, playgrounds, recreation centers, athletic fields, and public parks.

## **SECTION 2 REGISTRATION OF CANNABIS BUSINESSES**

### **2.1 Consent to registering of Cannabis Businesses**

For jurisdictions covered by this Ordinance (section 1.2), no individual or entity may operate a state-licensed cannabis retail business within Aitkin County without first registering with the Aitkin County Auditor's Office.

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 per Minn. Statute 342.22 subd. 5(e). 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.

### **2.2 Compliance Checks Prior to Retail Registration**

Prior to issuance of a cannabis retail business registration, Aitkin County shall conduct a preliminary compliance check to ensure compliance with local ordinances.

Pursuant to Minn. Stat. 342.13(f), within 30 days of receiving a copy of a state license application from OCM, Aitkin 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. If a jurisdiction that has delegated registration authority to Aitkin County receives a state license application from OCM, that jurisdiction shall immediately forward the application to the Aitkin County Auditor's Office.

## **2.3 Registration & Application Procedure**

### **2.3.1 Fees**

Aitkin County shall not charge an application fee. A registration fee, as established in Aitkin 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 Aitkin 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. All fees collected by Aitkin County will be retained by Aitkin County.

### **2.3.2 Application Submittal.**

The Aitkin County Auditor's Office 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 Aitkin County Auditor's Office. Said form shall include, but is not limited to:
- Full name, tax id number, and address of the property owner;
  - Full name, tax id number, and address of applicant;
  - Email address, and telephone number of the applicant and property owner;
  - The address and parcel ID for the property which the retail registration is sought;
  - Certification that property taxes are current on the property listed above;
  - Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.
    - Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, Aitkin County Environmental Services 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.
- B. The applicant shall include with the form:
- the application fee as required in [Section 2.3.1];
  - a copy of a valid state license or written notice of OCM license preapproval;
- iii. A copy of their current Workers' Compensation Certificate of Compliance.
- C. Once an application is considered complete, the Aitkin County Auditor's Office shall inform the applicant as such and process the application fees. The application will be forwarded to Aitkin County Environmental Services for an Interim Use Permit Application and scheduling for a Public Hearing before the Aitkin County Planning Commission and for approval or denial.
- D. The application 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 application shall not be approved or renewed if the applicant is unable to meet the requirements of this Ordinance.
- C. A state-licensed cannabis retail business application that meets the requirements of this Ordinance shall be approved.

### ***2.3.4 Annual Compliance Checks***

Aitkin County shall complete at minimum one compliance check per calendar year of every cannabis business with a retail registration to assess if the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24, and this Ordinance.

Aitkin County shall conduct at minimum one unannounced age verification compliance check per calendar year. Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

Any failures under this section must be reported to the Office of Cannabis Management.

### ***2.3.5 Location Change***

A 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 Aitkin County.

- All registrations shall be valid only on the premises for which the license was issued and only for the person to whom the registration was issued. No transfer of the registration to another location or person shall be allowed.

## **2.4 Renewal of Registration**

The Aitkin County Auditor's Office 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 Aitkin County Auditor's Office. A cannabis retail registration issued under this ordinance shall not be transferred.

### ***2.4.1 Renewal Fees.***

The Aitkin County Auditor's Office may charge a renewal fee for the registration starting at the second renewal, as established in Aitkin County's fee schedule.



#### ***2.4.2 Renewal Application.***

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

- Items required under Section 2.3.2 of this Ordinance and any additional standards as requested by the Aitkin County Auditor's Office.

### **2.5 Suspension of Registration**

#### ***2.5.1 When Suspension is Warranted.***

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

#### ***2.5.2 Notification to OCM.***

The Aitkin County Auditor's Office shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide Aitkin 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. The Aitkin County Auditor's Office shall reinstate if it determines that the violations have been resolved, and if OCM determines that the violation(s) have been resolved.

#### ***2.5.4 Civil Penalties.***

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

### **2.6 Limiting of Registrations**

Aitkin County shall limit the number of cannabis retail businesses to no more than one registration for every 12,500 residents within Aitkin County.

## **SECTION 3 REQUIREMENTS FOR CANNABIS BUSINESSES**

### **3.1 Minimum Buffer Requirements**

Aitkin County shall prohibit the operation of a cannabis business property line within 1,000 feet of a school property line.

Aitkin County shall prohibit the operation of a cannabis business property line within 500 feet of a daycare property line.

Aitkin County shall prohibit the operation of a cannabis business property line within 500 feet of a residential treatment facility property line.

Aitkin County shall prohibit the operation of a cannabis retail business property line within 500 feet of another Cannabis retail business property line.

Aitkin County shall prohibit the operation of a cannabis business property line within 500 feet of ANY youth-orientated facility property line.

Pursuant to MN Statute 462.367 Subd. 14, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a (school/daycare/residential treatment facility/youth-orientated facility) moves within the minimum buffer zone.

## **3.2 Zoning and Land Use**

### ***3.2.1 Purpose and Permit Required***

It is the purpose and intent of this section to regulate zoning and land use of cannabis businesses within Aitkin County, and to mitigate possible adverse impacts to the health, safety, and welfare of surrounding properties, environments, and the general public well-being. Cannabis businesses are prohibited as a home occupation. The following standards apply to any cannabis businesses (excluding Low-Potency Hemp Edible businesses) in which the owner must apply for and receive an Interim Use Permit (IUP). The IUP will be valid for three (3) years and must be renewed every three (3) years in order to determine the compliance level of the owner with the conditions of approval. The applicant, owner, or authorized agent shall be present at the scheduled Aitkin County Planning Commission Meeting. The termination of the IUP will take place when there is a change in ownership of the cannabis business.

### ***3.2.2 Zoning and Land Use Application Requirements***

The application for an Interim Use Permit shall include at a minimum, but is not limited to:

- A. All information required for a Conditional Use Permit found in Section 11 of the Aitkin County Zoning Ordinance.
- B. A to-scale site plan of the property which details the locations and dimensions of all property lines, the structure intended for licensing (building size shall not exceed as set forth in definitions), accessory structures, parking areas/plan, and sewage treatment systems.
- C. A certificate of compliance on the septic system less than three (3) years old or a certificate of installation less than five (5) years old.
- D. A contact person or system administrator shall be designated and contact information be provided to Aitkin County Environmental Services at the time of application.
- (E) After a complete application is submitted and prior to the approval of the IUP, Aitkin County Environmental Services shall inspect interior and exterior of the proposed cannabis business in order to determine compliance with the requirements of this ordinance.

### ***3.2.3 Cannabis Businesses Permitted in Zoning Districts***

#### **A. Cannabis Cultivation**

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

- Farm Residential, Commercial, Manufacturing, and Open Zones.

#### **B. Cannabis Manufacturer**

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

- Commercial and Manufacturing zones.

#### **C. Low-Potency Hemp Edible Manufacturer**

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

- Farm Residential, Commercial, Manufacturing, and Open zones.

#### **D. Cannabis Wholesaler**

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

- Commercial and Manufacturing zones.

#### **E. Cannabis Retailer**

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

- Farm Residential, Commercial, Manufacturing, Public, Open and Shoreland (all) zones

#### **F. Cannabis Transporter**

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

- Farm Residential, Commercial, Manufacturing, Public, Open and Shoreland (all) zones

#### **G. Cannabis Delivery Service.**

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

- Farm Residential, Commercial, Manufacturing, Public, Open, Residential, and Shoreland (all) zones

CLASSIFICATION LIST	FR	R	C	M	P	O	SL
Cannabis Business							
Cannabis Cultivation	C	NP	C	C	NP	C	NP
Cannabis Delivery Service	C	C	C	C	C	C	C
Cannabis Manufacturer	NP	NP	C	C	NP	NP	NP
Cannabis Retailer	C	NP	C	C	C	C	C
Cannabis Transporter	C	NP	C	C	C	C	C
Cannabis Wholesaler	NP	NP	C	C	NP	NP	NP
Lower-Potency Hemp Edible Manufacturer	C	NP	C	C	NP	C	NP
Lower-Potency Hemp Edible Retailer	P	P	P	P	P	P	P
Temporary Cannabis Event	C	NP	NP	NP	NP	NP	NP

FR=Farm residential, R=Residential, C=Commercial, M=Manufacturing, P=Public, O=Open, SL=Shoreland (all). “NP” means Not Permitted. “C” means an Interim Use Permit (IUP).

### ***3.2.4 General Requirements for Cultivation and Manufacturing Businesses***

A. **Security and (indoor/outdoor) Lighting** shall be in accordance with MN Statutes 2023 Section 342.25 Subd. 7 and subject to IUP conditions imposed by the Aitkin County Planning Commission.

B. **Wastewater** plan shall be in accordance with MN Statutes 2023 Section 342.28 Subd. 3 and applicant must submit to OCM an operating plan demonstrating the proposed size and layout of the cultivation facility; plans for wastewater and waste disposal for the cultivation facility; plans for providing electricity, water, and other utilities necessary for the normal operation of the cultivation facility. The cultivation or manufacturing facility shall be connected to an approved Subsurface Septic Treatment System (SSTS) and shall include a flow measuring device.

C. **Ventilation and Filtration** shall be in accordance with MN Statutes 2023 Section 342.24 Subd. 4 and must maintain a ventilation and filtration system sufficient to meet the requirements for odor control established by state administrative rules.

D. **Solid Waste** shall be in accordance with MN Statutes 2023 Section 342.25 Subd. 4 and must prepare, maintain, and execute a solid waste disposal plan. MN Statutes 2023 Section 342.08 Subd. 3 notes administrative rules will be created for appropriate disposal of cannabis plant matter, packaging, and other solid waste of all cannabis businesses.

E. **Other Regulations** imposed by the Planning Commission may include conditions that will reduce impacts of the proposed use on neighboring properties, public services, and public safety. Said conditions may include, but not be limited to: fencing or vegetative screening, parking plan, pest management plan, etc.

### ***3.2.5 General Requirements for Cannabis Retail, Microbusiness, and Mezzobusiness***

A. **Security** shall be in accordance with MN Statutes 2023 342.27 Subd. 9 and shall maintain compliance with security requirements established by the state, including both, but not limited to, requirements for maintaining video surveillance records, using specific locking mechanisms, establishing secure entries, and the number of employees working at all times.

B. **Lighting** shall be in accordance with MN Statutes 2023 Section 342.27 Subd. 10 and shall keep all lighting outside and inside the dispensary in good working order and of sufficient wattage for security cameras.

C. **Wastewater** shall be in accordance with MN Statutes 2023 Section 342.29 Subd. 3 and applicant for a Cannabis mezzo business license must submit to the state an operating plan demonstrating the proposed layout of the facility, including a diagram of ventilation and filtration systems; plans for wastewater and waste disposal for any cultivation or manufacturing activities; plans for providing electricity, water, and other utilities necessary for the normal operation of any cultivation or manufacturing activities.

D. **Ventilation and Filtration** shall be in accordance with MN Statutes 2023 Section 342.24 Subd. 4 and must maintain a ventilation and filtration system sufficient to meet the requirements for odor control established by state administrative rules.

E. **Solid Waste** shall be in accordance with MN Statutes 2023 Section 342.08 Subd. 3 and notes administrative rules will be created for appropriate disposal of cannabis plant matter, packaging, and other solid waste of all cannabis businesses.

F. **Other Regulations** imposed by the Planning Commission may include conditions that will reduce impacts of the proposed use on neighboring properties, public services, and public safety. Said conditions may include, but not be limited to: fencing or vegetative screening, parking plan, pest management plan, etc.

### ***3.2.6 Zoning and Land Use Enforcement/Violations***

A. For Cannabis businesses with compliance issues during the term of their IUP, investigations will be conducted by Aitkin County Environmental Services, and information will be gathered for the future consideration by the Aitkin County Planning Commission for subsequent renewals.

B. Future compliance will be monitored through the regular review of the IUP and annual inspections of the cannabis business by Aitkin County Environmental Services. During the annual inspection, the Cannabis business owner will be assessed an annual re-inspection fee with payment due prior to annual inspection. Non-compliance will be brought before the Aitkin County Planning Commission.

C. The conditions imposed by the Aitkin County Planning Commission and agreed upon by the Cannabis owner must be complied with during the term of the IUP.

D. If substantial complaints/violations have occurred during the term of the IUP, the IUP may be subject to a revocation hearing before the Aitkin County Planning Commission.

E. Any person, firm or corporation, or agent, employees or contractors of such, who violate, disobey, omit, neglect, refuse to comply with, or who resist enforcement of any provision of the ordinance may be subject to the forfeiture of their IUP. Violation of this ordinance shall be deemed a misdemeanor. Each day that a violation continues to exist shall constitute a separate offense.

### ***3.2.7 Appeals***

Appeals from any order, requirement, decision or determination made by the Environmental Services Department shall first be made to the Board of Adjustment in accordance with Section 10.04 of the Aitkin County Zoning Ordinance.



### **3.3 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 9 p.m. seven days per week.

### **3.4 Advertising**

This section applies only to areas of Aitkin County that are covered by Aitkin County Zoning Ordinance, including jurisdictions that have opted into Aitkin County zoning. Jurisdictions that have requested Aitkin County to register cannabis businesses but have not opted into Aitkin County zoning must certify to Aitkin County Planning and Zoning that a proposed cannabis business complies with its sign requirements.

It is the intent of this ordinance to permit signs in accordance with Section 5 of the Aitkin County Zoning Ordinance and wherever they are moderate in size, design, consistent with public safety, public welfare, and the aesthetics of surrounding areas.

## **SECTION 4 TEMPORARY CANNABIS EVENTS**

A Temporary Cannabis Event is only permitted as an Interim Use in the following zoning district:

- Farm Residential districts.

### **4.1 License or Permit Required for Temporary Cannabis Events**

#### ***4.1.1 License Required.***

A license or permit is required to be issued and approved by Aitkin County Auditor's Office prior to holding a Temporary Cannabis Event.

#### ***4.1.2 Registration & Application Procedure***

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

#### ***4.1.3 Application Submittal & Review.***

The Aitkin County Auditor's Office shall require an application for Temporary Cannabis Events.

A. An applicant for a retail registration shall fill out an application form, as provided by the Aitkin County Auditor's Office. Said form shall include, but is not limited to: Items required under Section 2.3.2 of this Ordinance.

B. The applicant shall include with the form:

- i. the registration fee as required in (Section 4.1.2);
- ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

The application shall be submitted to the Aitkin County Auditor's Office, or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

C. Once an application is considered complete, the Aitkin County Auditor's Office shall inform the applicant as such and process the application fees. The application will be forwarded to Aitkin County Environmental Services for an Interim Use Permit Application and scheduling for a Public Hearing before the Aitkin County Planning Commission and for approval or denial.

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

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

*(Standards)*

- i. *Include the nature and purpose of the event, the proposed beginning date and the period during which the event will be conducted, and a detailed statement of the manner in which it will be conducted.*
- ii. *Include the maximum number of persons which the applicant will permit to assemble on the premises at any time during the event, which number shall be stated as a condition of any permit which may be issued.*
- iii. *The plans of the applicant to limit and control admission to the premises to the maximum number of persons stated in the permit and for controlling and parking vehicles of persons assembling on the premises.*
- iv. *Plans for maintenance of security and order on the premises, including the proposed number, deployment, and hours of availability of security guards upon the premises prior to, during, and immediately after the close of the assembly. The plan must be approved by the Aitkin County Sheriff and or designee.*
- v. *Plans for the preparation and distribution of food and refreshments upon the premises.*
- vi. *Plans for medical services, including buildings therefore, the names and hours of availability of physicians and nurses, and provisions for ambulance and other emergency services.*
- vii. *The application shall be accompanied by a bond in the penal sum of \$25,000.00 with sureties to be approved by the County of Aitkin conditioned that the permittee:*
  - a. *carries out all of the plans and keeps and performs all of the conditions of the application and permit,*
  - b. *maintain order on the premises,*
  - c. *leave the premises in neat and respectable condition,*
  - d. *indemnify and hold harmless the County of Aitkin, its officers, agents, and employees, from any liability or causes of action arising in any way from the conduct of the assembly, evidenced by a certificate of insurance in the minimum amounts of municipal tort limits and a named additional insured.*
  - e. *the bond shall provide that any person damaged by the breach of any condition of the bond may maintain an action within ninety (90) days after the event concludes in his own name to recover his damage, after first giving written notice to the County of Aitkin, or the County of Aitkin may maintain an action in its own name for the benefit of the persons damaged. In the event that approval of the application shall be denied by the County Board of Commissioners, the fee shall be returned.*

*f. if no action has been filed, the bond shall be released ninety (90) days after the event concludes.*

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

G. A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The Aitkin County Auditor's Office shall notify the applicant of the standards not met and basis for denial.

## **SECTION 5        LOWER-POTENCY HEMP EDIBLES**

### **5.1     Sale of Low-Potency Hemp Edibles**

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

### **5.2     Zoning Districts**

**Low-Potency Edibles** businesses are permitted as a Permitted Use in the following zoning districts:

- Farm Residential, Commercial, Manufacturing, Public, Open, and Shoreland (all) zoning.

### **5.3     Additional Standards**

#### ***5.3.1 Sales within Municipal Liquor Store.***

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

#### ***5.3.2 Age Requirements.***

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

#### ***5.3.3 Beverages.***

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

#### ***5.3.4 Storage of Product.***

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

## **SECTION 6.        LOCAL GOVERNMENT AS A CANNABIS RETAILER**

Aitkin County may establish, own, and operate one municipal cannabis retail business subject to the restrictions in this chapter. The municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses under Section 2.6. Aitkin County shall be subject to all same rental license requirements and procedures applicable to all other applicants.



## **SECTION 7            USE IN PUBLIC PLACES**

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.

## **SECTION 8            MORE RESTRICTIVE REGULATIONS**

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

## **SECTION 9            ADOPTION**

The Aitkin County Cannabis Ordinance is hereby adopted by Aitkin County Board of Commissioners on the            day of            , 2024.

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**Chairperson, Aitkin County Board of Commissioners**

**ATTEST:**

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**EFFECTIVE DATE:** \_\_\_\_\_, 2024