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# Goodhue County Cannabis Ordinance

October 2024

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# AN ORDINANCE OF THE COUNTY OF GOODHUE TO REGULATE CANNABIS BUSINESSES

The County Board of Goodhue County, Minnesota hereby ordains:

## Section 1. Administration

### 1.1 Findings and Purpose

Goodhue County makes the following legislative findings:

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

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

Goodhue 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 cannabis businesses 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, regarding the authority of a County to adopt zoning ordinances.

This Ordinance shall be applicable in all areas of Goodhue County except for land held in trust for the Prairie Island Indian Community. This Ordinance is not applicable within the boundaries of incorporated cities except regarding the registration of cannabis retailers and enforcement provisions when said responsibilities have been delegated to Goodhue County by written agreement pursuant to Minn. Stat. 342.22.

Some cities have delegated cannabis retail registration authority to Goodhue County. These cities may adopt ordinances under Sections 2.6, 3, and 4 of this Ordinance if Goodhue County has not adopted conflicting provisions.

### 1.3 Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

#### 1.4 Enforcement

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

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

**Cannabis Business:** In accordance with MN Statutes Section 342.01 Subd. 14, “Cannabis Business” means any of the following license types:

- i. Cannabis Microbusiness
- ii. Cannabis Mezzobusiness
- iii. Cannabis Cultivator
- iv. Cannabis Manufacturer
- v. Cannabis Retailer
- vi. Cannabis Wholesaler
- vii. Cannabis Transporter
- viii. Cannabis Testing Facility
- ix. Cannabis Delivery Service
- x. Medical Cannabis Combination Business

**Cannabis Cultivation:** The practice of growing cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvesting cannabis flower from mature plant, packaging and labeling immature plants and seedlings, and cannabis flower for sale to other cannabis businesses, transporting cannabis flower to a cannabis manufacturer located on the same premises, and performing other actions approved by the office.

**Cannabis Retail Businesses:** A retail location and the retail location(s) of mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and 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 Goodhue County 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 business.

## Section 2. [Registration of Cannabis Retail Businesses](#)

### 2.1 [Registration Required](#)

No individual or entity may operate a state-licensed cannabis retail business within Goodhue County including within cities that have delegated cannabis retail registration authority to Goodhue County without first registering with Goodhue County.

Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty in the amount established in the Goodhue County fee schedule.

### 2.2 [Compliance Checks Prior to Retail Registration](#)

Prior to the issuance of a cannabis retail business registration, Goodhue 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, Goodhue 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.*

Goodhue County shall not charge an application fee.

A registration fee, as established in Goodhue County's Fee Schedule, shall be charged to applicants depending on the type of retail business license applied for.

The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.

Any renewal retail registration fee imposed by Goodhue County shall be charged at the time of the second renewal and each subsequent renewal thereafter.

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.*

Goodhue 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 Goodhue 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.

(B) The applicant shall include with the form:

- i. The application fee as required in the Goodhue County Fee Schedule;
- ii. A copy of a valid state license or written notice of OCM license preapproval;
- iii. Township Board written approval if located outside city limits;
- iv. City written approval if located within a city that has delegated registration authority to Goodhue County; and
- v. Proof of insurance

(C) Once an application is considered complete, Goodhue County shall inform the applicant as such, process the registration fees, and forward the application to the Goodhue County Board for approval or denial.

(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 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.*

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

Goodhue 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.

### *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 Goodhue County including within cities that have delegated registration authority to Goodhue County.

- (A) The requirement for a new application shall not apply to businesses relocating on the same parcel.

## 2.4 *Renewal of Registration*

Goodhue 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 Goodhue County.

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

### *2.4.1 Renewal Fees.*

Goodhue County shall charge a renewal fee for the registration starting at the second

renewal, as established in Goodhue County's fee schedule.

#### *2.4.2 Renewal Application.*

The application for renewal of a retail registration 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 renewal is sought;
  - iv. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.
- (B) The applicant shall include with the form:
- i. The registration fee as required in the Goodhue County Fee Schedule;
  - ii. A copy of a valid state license or written notice of OCM license preapproval; and
  - iii. Proof of insurance
- (C) Once an application for renewal is considered complete, Goodhue County shall inform the applicant as such, process the renewal fees, and forward the application to the Goodhue County Board for approval or denial.
- (D) The registration fee shall be non-refundable once processed.

## 2.5 Suspension of Registration

### *2.5.1 When Suspension is Warranted.*

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

### *2.5.2 Notification to OCM.*

Goodhue County shall immediately notify the OCM in writing the grounds for the suspension.

### *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 Goodhue County Board may reinstate a registration if it determines that the violations have been resolved.

The Goodhue County Board 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) Goodhue County may impose a civil penalty for registration violations in the amount established in the Goodhue County fee schedule.



## 2.6 Limiting of Registrations

Goodhue County shall limit the number of cannabis retail business locations as allowed by MN Stat. 342.13 (i) to no more than one registration for every 12,500 residents.

Any municipal cannabis retail stores and retail stores operated on land held in trust for the Prairie Island Indian Community shall not be included in any limitation on the number of registered cannabis retail businesses under Section 2.6.

## Section 3. Requirements for Cannabis Businesses

### 3.1 Minimum Buffer Requirements

Setbacks shall be measured from the closest point of the property line upon which the cannabis business is located, to the property line of the following uses:

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

Goodhue County shall prohibit the operation of a cannabis business within 500 feet of a daycare.

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

Goodhue County shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

Goodhue County shall prohibit the operation of a cannabis retail business location within 1,000 feet of another cannabis retail business location.

Pursuant to Minn. Stat. 394.36, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration renewal from continuing operation at the same site if a school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

### 3.2 Zoning and Land Use

Provisions found in the Goodhue County Zoning Ordinance regarding the time, manner, and place of operation of cannabis businesses shall be adhered to.

#### 3.2.1 Advertising

Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business unless otherwise limited by Goodhue County's sign ordinances.

## Section 4. Temporary Cannabis Events

### 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 Goodhue County prior to holding a Temporary Cannabis Event.

Events with 500 or more attendees shall follow the permitting procedures found in the Goodhue County Assembly Ordinance.

#### *4.1.2 Registration & Application Procedure*

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

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

Goodhue County shall require an application for Temporary Cannabis Events.

The application shall be submitted to Goodhue County for review. If Goodhue County staff determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

(A) Once an application is considered complete, Goodhue County shall inform the applicant as such, process the application fees, and forward the application to the Goodhue County Board for approval or denial.

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

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

i. All Application materials required by the Goodhue County Assembly Controls Ordinance Section 9 shall be submitted.

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

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

### Section 5. Lower-Potency Hemp Edibles

The sale of Lower-Potency Edibles is permitted, subject to the conditions within this Section and in compliance with MN Statute 342.46.

### Section 6. Local Government as a Cannabis Retailer

Cities within Goodhue County may establish, own, and operate one municipal cannabis retail business.

Cities within Goodhue County shall be subject to all the same retail license requirements and procedures applicable to all other applicants.

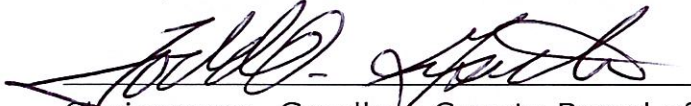
### Section 7 Use in Public Places

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 Effective Date

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

The Goodhue County Cannabis Ordinance is hereby adopted by the Goodhue County Board of Commissioners on this 15<sup>th</sup> day of October, 2024



Chairperson, Goodhue County Board of Commissioners



ATTEST: Goodhue County Administrator