

Section. 22.37 – Cannabis Ordinance

Sec. 22.37.1 Administration. The planning commission shall have the authority and power to grant or deny an application Pursuant to this ordinance, and to impose any conditions on the applicant or licensee related to the granting of the permit.

The Planning and Zoning Administrator or designee shall receive all applications for permit, facilitate the departmental review and approval for each application, issue the permit granted by the authority upon payment of fees required and upon approval of the appropriate licensing authority.

A. Findings and Purpose

1. Meeker County makes the following legislative findings:
 - a. The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes the County to protect the public health, safety, welfare of Meeker County residents by regulating cannabis businesses within the legal boundaries of Meeker County
 - b. Meeker County finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Meeker 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.
 - c. Before applying Meeker County recommends preparing your proposed business plan, security plan, and business capitalization table, as well as standard operating procedures for: quality assurance; inventory control, storage, and diversion prevention; and accounting and tax compliance.

B. Authority & Jurisdiction

1. Meeker County has the authority to adopt this ordinance pursuant to:
 - a. Minn. Stat. 342.13c, 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 business 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.

C. Severability

1. 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

1. The Meeker County Sheriff's Department is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

E. Definitions

1. 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.
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 mezzo business with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and 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 the Meeker 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.

- F. **The 7 Cannabis Ordinance groups**: A separate Conditional use Permit shall be required for each specific business and for each geographic location.

Permitted and conditional uses for cannabis related businesses. Cannabis businesses will be permitted, conditionally permitted, or not permitted based on the land use district as established in the table below (C = Conditionally Permitted, NP = Not Permitted).

District	Cannabis Retail	Cannabis Cultivator	Cannabis Business/ Manufacturer	Cannabis Wholesale/ Warehouse	Cannabis Transport/ Delivery	Cannabis Testing	Cannabis Event
A-1 Agricultural	C	C	C	C	NP	NP	NP
R-1 & R-2 Residential	NP	NP	NP	NP	NP	NP	NP
C-1 & C-2 Commercial	C	C	C	C	C	C	NP
I-1 Industrial	C	C	C	C	C	C	NP
Shoreland District	NP	NP	NP	NP	NP	NP	NP
Conservation Subdivisions	NP	NP	NP	NP	NP	NP	NP
UE-O Urban Expansion	NP	NP	NP	NP	NP	NP	NP
Floodplain Management	NP	NP	NP	NP	NP	NP	NP
Special Protection (Recreational River and Clearwater River Overlays)	NP	NP	NP	NP	NP	NP	NP

Section 22.37.2 Retail Cannabis Business:

A Conditional Use Permit is only allowed and required in the A-1, C-1, C-2, I-1 and I-2 districts for the selling of 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.

Retail Permit requirements:

- a. Only applications with a Minnesota Office of Cannabis permit for a cannabis retail business will be accepted
- b. Legal description, certification of ownership and local address of the property involved.
- c. The permit requirement set forth in this section shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, and local laws.
- d. Only one cannabis retail business allowed in Meeker County per 12,500 residence.
- e. All applicants must pass background checks. If a felony is found, only felons with social equity related charges are allowed to apply for a retail permit.
- f. Applicants shall follow all rules of MN Statutes 2023 Sec. 342.27 and 342.32, Cannabis retail sales.
- g. Submittal of the security plan. All permits shall file a written security plan and with the county sheriff's department. The security plan should contain: A floor plan of the *cannabis* establishment detailing the locations of the following; All entrances and exits to the establishment; The location of any windows, skylights, and roof hatches; The location (number) of all cameras, and their field of view; The location (proof) of all alarm inputs (door contacts, motion detectors, duress/hold up devices) and alarm sirens; (Spec Information for) digital video recorder and alarm control panel, including the location of the off-site storage or network service provider for storage of the required copies of surveillance recordings; and restricted and public areas
- h. Submittal of the operating plan demonstrating the proposed layout of the facility, including a diagram of ventilation and filtration systems. Other operating plan items will be: Hours of Operation. Set

times, days of sales; policies to avoid entrance and sales to individuals who are under 21 years of age; identification of restricted storage areas and theft prevention. All permits shall file the written operating plan and with the county sheriff's department.

- i. The county will restrict number of retail sales business permitted to one per 12,500 population in the county.
- j. No application for a permit or for a change of location shall be granted which proposes a permitted premise within 500 feet of a day care, 500 feet of a treatment facility, 500 feet of a public park, including playground or athletic field, 1,000 feet of a residentially zoned area, 1,000 feet of any school, 1,000 feet of any church or religious facility, 1,000 feet of any youth facility.
- k. A cannabis retailer may operate up to 2 retail locations in one county.
- l. A cannabis retailer may hold a cannabis delivery or event organizer license.
- m. That the proposed use will not be contrary to the public interest.
- n. Other conditions put on by the commissioners may be imposed on the Retail cannabis business.

Sec. 22.37.3 Cannabis Cultivator Business:

A Conditional Use Permit is required for a producer growing more than 8 plants. Indoor facilities must be less than 30,000 square feet. Outdoor growing locations must be less than 2 acres, but can be permitted up to 4 acres from the state with special approval. A business licensed or authorized to cultivate cannabis may cultivate cannabis plants indoors or outdoors, subject to the security, fencing, lighting, and any other requirements deemed necessary

A cannabis cultivator permit entitles the license holder to: Grow cannabis plants from seed or immature plant to mature plant and harvest cannabis flower from a mature plant; make cannabis concentrate; make hemp concentrate, including hemp concentrate with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight.

Cultivator Permit Requirements:

- a. Only applications with a Minnesota Office of Cannabis permit for cannabis cultivation will be accepted.
- b. All applicants must pass background checks. If a felony is found, only felons with social equity related charges are allowed to apply for a cultivator permit.
- c. Submittal of the security plan. According to MN Statute 2023 Sec. 342.25 Subd.7; Sec. 342.27 Subd.9; Subd.10; indoor and outdoor cultivator businesses are subject to security, fencing, lighting, and any other requirements established by state administrative rules. The security plan will be protected from public disclosure. The security plan should contain: A floor plan of the *cannabis* establishment detailing the locations of the following; All entrances and exits to the establishment; The location of any windows, skylights, and roof hatches; The location (number) of all cameras, and their field of view; The location (proof) of all alarm inputs (door contacts, motion detectors, duress/hold up devices) and alarm sirens; (Spec Information for) digital video recorder and alarm control panel, including the location of the off-site storage or network service provider for storage of the required copies of surveillance recordings; and restricted and public areas. All permits shall file a written security plan and with the county sheriff's department.
- d. Submittal of the operating plan. According to MN Statute 2023 Sec. 342.28 Subd.3 and applicant for a cultivator license must submit to the state: 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. All buildings and structures are subject to state building code, federal environmental and workplace safety.

- e. Submittal of ventilation and filtration plan. MN Statute 2023 Sec. 324.24 Subd. 4, a cannabis business must maintain a ventilation and filtration system sufficient to meet the requirements for odor control established by state administrative rules.
- f. Submittal of the solid waste plan. MN Statute 2023 Sec. 342.25 Subd.4, a cannabis business must prepare and execute a solid waste disposal plan. MN Statute 2023 Sec. 342.08 Subd.3 note administrative rules will be created for appropriate disposal of cannabis plant matter, packaging, and other solid waste of all cannabis businesses.
- g. No application for a permit or for a change of location shall be granted which proposes a permitted premise within 500 feet of a day care, 500 feet of a treatment facility, 500 feet of a public park, including playground or athletic field, 1,000 feet of a residentially zoned area, 1,000 feet of any school, 1,000 feet of any church or religious facility, 1,000 feet of any youth facility.
- h. Other conditions put on by the commissioners may be imposed on the cultivator business.

Sec. 22.37.4 Cannabis Manufacturing

A Conditional Use Permit is required for the manufacturing of cannabis derived products and other hemp-derived consumer products, and other products authorized by law to customers.

A manufacturer license entitles the license holder to: Purchase cannabis flower, cannabis products, hemp plant parts, hemp concentrate, and artificially derived cannabinoids from a cannabis business, a cannabis cultivator, another cannabis manufacturer, or a cannabis wholesaler. Make cannabis concentrate; make hemp concentrate, including hemp concentrate with a delta 9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight; manufacture artificially derived cannabinoids; manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for public consumption; package and label adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for sale to customers; sell cannabis concentrate, hemp concentrate, artificially derived Cannabinoid cannabis products, lower-potency hemp edibles, and hemp-derived consumer product to other cannabis businesses.

Manufacturer Permit Requirements:

- a. Only applications with a Minnesota Office of Cannabis permit for cannabis manufacturing will be accepted.
- b. All applicants must pass background checks. If a felony is found, only felons with social equity related charges are allowed to apply for a manufacturer permit.
- c. Submittal of the security plan. According to MN Statute 2023 Sec. 342.25 Subd.7; Sec. 342.27 Subd.9; Subd.10; indoor and outdoor manufacturer businesses are subject to security, fencing, lighting, and any other requirements established by state administrative rules. The security plan will be protected from public disclosure. The security plan should contain: A floor plan of the *cannabis* establishment detailing the locations of the following; All entrances and exits to the establishment; The location of any windows, skylights, and roof hatches; The location (number) of all cameras, and their field of view; The location (proof) of all alarm inputs (door contacts, motion detectors, duress/hold up devices) and alarm sirens; (Spec Information for) digital video recorder and alarm control panel, including the location of the off-site storage or network service provider for storage of the required copies of surveillance recordings; and restricted and public areas. All permits shall file a written security plan and with the county sheriff's department.
- d. Submittal of the operating plan. According to MN Statute 2023 Sec. 342.28 Subd.3 and applicant for a manufacturer license must submit to the state: an operating plan demonstrating the proposed size

and layout of the manufacturer facility; plans for wastewater and waste disposal for the manufacturing facility; plans for providing electricity, water and other utilities necessary for the normal operation of the cultivation facility. All buildings and structures are subject to state building code, federal environmental and workplace safety.

- e. Submittal of ventilation and filtration plan. MN Statute 2023 Sec. 324.24 Subd. 4, a cannabis manufacturer business must maintain a ventilation and filtration system sufficient to meet the requirements for odor control established by state administrative rules.
- f. Submittal of the solid waste plan. MN Statute 2023 Sec. 342.08 Subd.3 note administrative rules will be created for appropriate disposal of cannabis plant matter, packaging, and other solid waste of all cannabis businesses.
- g. No application for a permit or for a change of location shall be granted which proposes a permitted premise within 500 feet of a day care, 500 feet of a treatment facility, 500 feet of a public park, including playground or athletic field, 1,000 feet of a residentially zoned area, 1,000 feet of any school, 1,000 feet of any church or religious facility, 1,000 feet of any youth facility.
- h. A cannabis manufacturer may hold a cannabis cultivator or event organizer license.
- i. That the proposed manufacturing will not be injurious to the public.
- j. Other conditions put on by the commissioners may be imposed on the manufacturer business.

Sec. 22.37.5 Cannabis Wholesale/Warehouse Business

A Conditional Use Permit is required for the storage and wholesaling of cannabis derived products and other hemp-derived consumer products, and other products authorized by law to customers.

A cannabis wholesaler license entitles the license holder to:

Purchase immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from cannabis businesses, cannabis cultivators and cannabis manufacturers. Purchase hemp plant parts and propagules from permitted industrial hemp growers. Purchase hemp concentrate from permitted industrial hemp processor, sell immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products, to cannabis businesses, cannabis manufacturers, and cannabis retailers. Sell lower-potency hemp edibles to lower-potency hemp edible retailers. Import hemp-derived consumer products and lower-potency hemp edibles that contain hemp concentrate or artificially derived cannabinoids that are derived from hemp plants or hemp plant parts; and perform other actions approved by the office.

A cannabis wholesaler may purchase and sell other products or items for which the cannabis wholesaler has a license or authorization or that do not require a license or authorization. Products for which no license or authorization is required include but are not limited to industrial hemp products.

Wholesale/Warehouse Permit Requirements:

- a. Only applications with a Minnesota Office of Cannabis permit for cannabis wholesale will be accepted.
- b. All applicants must pass background checks. If a felony is found, only felons with social equity related charges are allowed to apply for a wholesale/warehouse permit.
- c. Submittal of the security plan. According to MN Statute 2023 Sec. 342.25 Subd.7; Sec. 342.27 Subd.9; Subd.10; indoor wholesale/warehouse businesses are subject to security, fencing, lighting, and any

other requirements established by state administrative rules. The security plan will be protected from public disclosure. The security plan should contain: A floor plan of the *cannabis* establishment detailing the locations of the following; All entrances and exits to the establishment; The location of any windows, skylights, and roof hatches; The location (number) of all cameras, and their field of view; The location (proof) of all alarm inputs (door contacts, motion detectors, duress/hold up devices) and alarm sirens; (Spec Information for) digital video recorder and alarm control panel, including the location of the off-site storage or network service provider for storage of the required copies of surveillance recordings; and restricted and public areas. All permits shall file a written security plan and with the county sheriff's department.

- d. Submittal of the operating plan. According to MN Statute 2023 Sec. 342.28 Subd.3 and applicant for a wholesale license must submit to the state: an operating plan demonstrating the proposed size and layout of the warehouse facility; plans for wastewater and waste disposal for the manufacturing facility; plans for providing electricity, water and other utilities necessary for the normal operation of the cultivation facility. All buildings and structures are subject to state building code, federal environmental and workplace safety.
- e. Submittal of ventilation and filtration plan. MN Statute 2023 Sec. 324.24 Subd. 4, a cannabis wholesale business must maintain a ventilation and filtration system sufficient to meet the requirements for odor control established by state administrative rules.
- f. Submittal of the solid waste plan. MN Statute 2023 Sec. 342.08 Subd.3 note administrative rules will be created for appropriate disposal of cannabis plant matter, packaging, and other solid waste of all cannabis businesses.
- g. No application for a permit or for a change of location shall be granted which proposes a permitted premise within 500 feet of a day care, 500 feet of a treatment facility, 500 feet of a public park, including playground or athletic field, 1,000 feet of a residentially zoned area, 1,000 feet of any school, 1,000 feet of any church or religious facility, 1,000 feet of any youth facility.
- h. A cannabis wholesaler may hold a cannabis transporter, delivery or event organizer license.
- i. Other conditions put on by the commissioners may be imposed on the Wholesale/Warehouse business.

Section 22.37.6. Cannabis Transport/Delivery Business

A Conditional Use Permit is required for a business that transports or delivers cannabis derived products and other hemp-derived consumer products, and other products authorized by law to customers.

A cannabis transporter/delivers license entitles the license holder to: 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 businesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis retailers, medical cannabis processors, and industrial hemp growers to cannabis business, 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.

Transport/Delivery Permit Requirements:

- a. Only applications with a Minnesota Office of Cannabis transport permit will be accepted

- b. All applicants must pass background checks. If a felony is found, only felons with social equity related charges are allowed to apply for a Transport/Delivery permit.
- c. Submittal of a security plan. The plan should contain a floor plan showing all entrances and exits to the establishment; The location of any windows, skylights, and roof hatches; The location (number) of all cameras, and their field of view; The location (proof) of all alarm inputs (door contacts, motion detectors, duress/hold up devices) and alarm sirens; (Spec Information for) digital video recorder and alarm control panel, including the location of the off-site storage or network service provider for storage of the required copies of surveillance recordings; and restricted and public areas. All permits shall file a written security plan and with the county sheriff's department.
- d. Submittal of the operating plan. According to MN Statute 2023 Sec. 342.28 Subd.3 and applicant for a transport license must submit to the state: an operating plan demonstrating the proposed size and layout of the transportation facility. All buildings and structures are subject to state building code, federal environmental and workplace safety.
- e. Submittal of ventilation and filtration plan. MN Statute 2023 Sec. 324.24 Subd. 4, a cannabis transport business must maintain a ventilation and filtration system sufficient to meet the requirements for odor control established by state administrative rules.
- f. Submittal of the solid waste plan. MN Statute 2023 Sec. 342.08 Subd.3 note administrative rules will be created for appropriate disposal of cannabis plant matter, packaging, and other solid waste of all cannabis businesses.
- g. No application for a permit or for a change of location shall be granted which proposes a permitted premise within 500 feet of a day care, 500 feet of a treatment facility, 500 feet of a public park, including playground or athletic field, 1,000 feet of a residentially zoned area, 1,000 feet of any school, 1,000 feet of any church or religious facility, 1,000 feet of any youth facility.
- h. A cannabis transporter may hold a wholesaler, delivery or event organizer license.
- i. A cannabis delivery service may hold a retailer, wholesaler, transporter, event organizer and a medical cannabis retailer license.
- j. Submit a list of all vehicles to be used in the transportation and delivery of cannabis products.
- k. All Minnesota Rules 4770.1100 must be met.
- l. Other conditions put on by the commissioners may be imposed on the Transport/Delivery business.

Sec. 22.37.7 Cannabis Testing Facility

A cannabis testing facility license entitles the license holder to obtain and test immature cannabis plants and seedlings, cannabis flower, cannabis products and hemp products.

Testing Facility Permit Requirements:

- a. Only applications with a Minnesota Office of Cannabis testing license will be accepted.
- b. All applicants must pass background checks. If a felony is found, only felons with social equity related charges are allowed to apply for a Testing Facility permit.
- c. A cannabis testing facility must comply with all applicable federal, state, and local laws related to the subjects of cannabis testing.
- d. An applicant of a cannabis testing facility license may not own, operate or be employed by any other cannabis or hemp business.
- e. Submittal of the operating plan. According to MN Statute 2023 Sec. 342.28 Subd.3 and applicant for a testing license must submit to the state: an operating plan demonstrating the proposed size and layout of the transportation facility. All buildings and structures are subject to state building code, federal environmental and workplace safety.

- f. Submittal of ventilation and filtration plan. MN Statute 2023 Sec. 324.24 Subd. 4, a cannabis testing facility must maintain a ventilation and filtration system sufficient to meet the requirements for odor control established by state administrative rules.
- g. Submittal of accreditation by a laboratory accrediting organization approved by the OCM.
- h. Submittal of the solid waste plan. MN Statute 2023 Sec. 342.08 Subd.3 note administrative rules will be created for appropriate disposal of cannabis plant matter, packaging, and other solid waste of all cannabis businesses.
- i. No application for a permit or for a change of location shall be granted which proposes a permitted premise within 500 feet of a day care, 500 feet of a treatment facility, 500 feet of a public park, including playground or athletic field, 1,000 feet of a residentially zoned area, 1,000 feet of any school, 1,000 feet of any church or religious facility, 1,000 feet of any youth facility.
- j. No person, cooperative, or business holding any cannabis business license may own or operate any other cannabis business or hemp business or hold more than one cannabis business license.
- k. Other conditions put on by the commissioners may be imposed on the testing facility.

Sec. 22.37.8 Cannabis Event Organizer Licensing

Cannabis events are prohibited in Meeker County.

Sec. 22.37.9 Other Cannabis Information

All permits are non-transferable. Each permit shall be issued to the applicant only and shall not be transferable to another holder. Each permit shall be issued only for the premises described in the application.

Revocation of permit:

- a. Evidence the licensed premises have been operated in a manner that adversely affects the public health, safety, or the general welfare of the county or the immediate neighborhood where the establishment is located, which evidence may include a continuing pattern of violations of the terms and conditions of a license issued, a continuing pattern of unlawful or violent activity occurring in the location and in association with the operation of the business, or other violations is a good cause, for purposes of refusing or denying a license renewal.
- b. Under no circumstances shall Planning and Zoning approve any application for local licensing of a *cannabis* establishment in circumstances where the state has failed to act in accordance of the state constitution, it being the intent of this chapter that no *cannabis* establishment may lawfully exist in the county absent the issuance of a state license and full regulatory oversight of the establishment as a retail *cannabis* store by the state as well as the county.