

COUNTY OF BELTRAMI
STATE OF MINNESOTA

ORDINANCE No.: _____

**AN ORDINANCE OF BELTRAMI COUNTY TO REGULATE CANNABIS
BUSINESSES**

- Section 1 Administration**
- Section 2 Registration of Cannabis Business**
- Section 3 Requirements for a Cannabis Business (Time, Place, Manner)**
- Section 4 Temporary Cannabis Events**
- Section 5 Lower Potency Hemp Edibles**
- Section 6 Use of Cannabis in Public**
- Section 7 Effective Date**

THE BELTRAMI COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS
FOLLOWS:

Section 1. Administration

1.1 Findings and Purpose

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

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

The Beltrami County Board of Commissioners finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Beltrami 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

Beltrami 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.

The Ordinance shall be applicable to the legal boundaries of Beltrami County.

One or more cities in Beltrami County have delegated cannabis retail registration authority to Beltrami County. A list of cities which have delegated cannabis retail registration authority is contained in Attachment A. Those cities may adopt ordinances under Sections (2.6, 3 and 4) if Beltrami 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

The Beltrami County Sheriff's Office, the Beltrami County Auditor-Treasurer, Beltrami County Environmental Services, and the Beltrami County Attorney's Office are responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

1.5 Definitions

1. Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 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 of Cannabis Management.

3. **Cannabis Retail Businesses:** A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, (and/excluding) lower-potency hemp edible retailers.
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 Beltrami County to a state- licensed cannabis retail business.

13. **School:** A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
14. **State License:** An approved license issued by the State of Minnesota’s Office of Cannabis Management to a cannabis retail business.

Section 2. Registration of Cannabis Businesses

2.1 Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business in rural Beltrami County, nor within the city limits of a city which has delegated its registration authority to Beltrami County, without first registering with Beltrami County.

Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of (up to \$2,000) for each violation.

Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government.

2.2 Compliance Checks Prior to Retail Registration

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

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, Beltrami 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.

Beltrami County shall not charge an application fee.

A registration fee, as established in Beltrami 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 Beltrami 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.

2.3.2 Application Submittal.

Beltrami 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 Beltrami County. Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant;
- ii. Address, email address, and telephone number of the applicant;
- iii. The address and parcel ID for the property which the retail registration is sought;
- iv. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.
- v. Any other information as requested by the Beltrami County Auditor-Treasurer.

(B) The applicant shall include with the form:

- i. the application fee as required in Section 2.3.1;
- ii. a copy of a valid state license or written notice of OCM license preapproval;
- iii. Any other information as requested by the Beltrami County Auditor-Treasurer.

(C) Once an application is considered complete, the Auditor-Treasurer of Beltrami County shall inform the applicant as such, process the application fees, and approve or deny the application.

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

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

2.3.4 Annual Compliance Checks.

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

The Beltrami County Sheriff 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.

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 Beltrami County.

2.4 Renewal of Registration

The Auditor-Treasurer of Beltrami 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 Beltrami County.

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

2.4.1 Renewal Fees.

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

2.4.2 Renewal Application.

The application for renewal of a retail registration shall include those items required under Section 2.3.2 of this Ordinance.

2.5 Suspension of Registration

2.5.1 When Suspension is Warranted.

Beltrami County may suspend a cannabis retail business's registration if it violates the ordinances of Beltrami County and/or poses an immediate threat to the health or safety of the public. The Auditor-Treasurer of Beltrami County shall immediately notify the cannabis retail business in writing of the grounds for the suspension.

2.5.2 Notification to OCM.

The Auditor-Treasurer of Beltrami County shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide Beltrami County and the 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.

Beltrami County shall reinstate a registration if OCM determines that the violation(s) have been resolved.

2.5.4 Civil Penalties.

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

2.6 Limiting of Registrations

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

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

Section 3. Requirements for All Cannabis Businesses Types

3.1 Minimum Buffer Requirements

The following minimum buffer requirements shall be met for all business types. For business applications in cities or towns that delegate authority to Beltrami County, the minimum buffer requirements may be reduced with a vote of support at a city or town meeting citing the specific business application and acceptable buffer distance.

- a) Beltrami County shall prohibit the operation of a cannabis business within 1,000 feet of a school, as measured by the shortest line between the property line of the space to be occupied by the proposed cannabis business to the nearest property line of the school.
- b) Beltrami County shall prohibit the operation of a cannabis business within 500 feet of a day care, as measured by the shortest line between the property line of the space to be occupied by the proposed cannabis business to the nearest property line of the daycare.
- c) Beltrami County shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility, as measured by the shortest line between the property line of the space to be occupied by the proposed cannabis business to the nearest property line of the residential treatment facility.
- d) Beltrami 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, as measured by the shortest line between the property line of the space to be occupied by the proposed cannabis business to the nearest property line of the park.
- e) Beltrami County shall prohibit the operation of a cannabis retail business within 500 feet of another cannabis retail business.
- f) Pursuant to Minn. Stat. 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, or an attraction within a public park that is regularly used by minors, moves within the minimum buffer zone.

3.2 Zoning and Land Use

3.2.1. Cultivation.

Cannabis businesses licensed or endorsed for cultivation are permitted as a conditional use in the following zoning districts:

- Non-shoreland zone

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3.2.2. Cannabis Manufacturer.

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a conditional use in the following zoning districts:

- Non-shoreland zone

3.2.3. Hemp Manufacturer.

Businesses licensed or endorsed for low-potency hemp edible manufacturers permitted as a conditional use in the following zoning districts:

- Non-shoreland zone

3.2.4 Wholesale.

Cannabis businesses licensed or endorsed for wholesale are permitted as a conditional use in the following zoning districts:

- Non-shoreland zone

3.2.5. Cannabis Retail.

Cannabis businesses licensed or endorsed for cannabis retail are permitted as a conditional use in the following zoning districts:

- Non-shoreland zone
- Shoreland zone

3.2.6. Cannabis Transportation.

Cannabis businesses licensed or endorsed for transportation are permitted as a conditional use in the following zoning districts:

- Non-shoreland zone

3.2.7. Cannabis Delivery.

Cannabis businesses licensed or endorsed for delivery are permitted as a conditional use in the following zoning districts:

- Non-shoreland zone

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

3.4 Advertising

Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business, not to exceed a total of 100 square feet.

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 Beltrami County prior to holding a Temporary Cannabis Event and if applicable, a conditional use permit may be required for larger events in accordance with the Beltrami County Public Gathering Ordinance #43.

4.1.2 Registration & Application Procedure.

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

4.1.3 Application Submittal & Review.

The Beltrami County Auditor-Treasurer shall require an application for Temporary Cannabis Events.

(A) An applicant for a retail registration shall fill out an application form, as provided by Beltrami 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. Any other information required by the Beltrami County Auditor/Treasurer's Office.

(B) The applicant shall include with the form:

- i. the application fee as required in (Section 4.1.2);

- ii. ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

(C) The application shall be submitted to the Beltrami County Auditor-Treasurer for review. If it is determined that a submitted application is incomplete, the Auditor-Treasurer shall return the application to the applicant with the notice of deficiencies.

(D) Once an application is considered complete, the Beltrami County Auditor-Treasurer shall inform the applicant as such, process the application fees, and approve or deny the application.

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

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

- i. the buffer requirements as described Section 3.1
- ii. compliance with the Beltrami County Public Gathering Ordinance
- iii. Sanitation plan included

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

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

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

4.1.5 Use of public property

(A) Beltrami County shall not register any temporary cannabis event which seeks host a temporary cannabis event on any property owned or operated by Beltrami County or any of its subdivisions. This prohibition includes: any park or trail, public street, county highway, or any public sidewalk, or any building owned or operated by Beltrami County or any of its subdivisions.

(B) Beltrami County shall not register any temporary cannabis event which seeks host a temporary cannabis event on any property owned or operated by any city which has delegated registration authority of cannabis businesses and temporary cannabis to Beltrami County . This prohibition includes: any park or trail, public street, county highway, or any public sidewalk, or any building owned or operated by the city or any of its subdivisions.

4.1.6 On-site consumption

(A) On-site consumption of cannabis during a temporary cannabis event which occurs at a place of public accommodation is permitted, provided the place of public accommodation allows such use.

Section 5. 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 conditional use in the following zoning districts:

- Non-shoreland zone
- Shoreland zone

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. 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 cannabis.

Section 7. Effective Date

This ordinance shall be in full force and effect immediately from and after its passage and publication as required by law.

ADOPTED by the Beltrami County Commissioners this ____ day of _____, 2024.

Attest:

Beltrami County Board Chair

CERTIFICATION

I, Tom Barry, County Administrator of said County of Beltrami, do hereby certify that I have compared the foregoing copy with the original resolution adopted by the County Board on the ____ day of _____ 2024 and now remaining on file and of record in my office and that the same is a correct transcript and of the whole of such original.

Witness my hand and official seal this
____ day of _____, 2024.

SEAL

Tom Barry, County Administrator Beltrami
County, Minnesota