



**BIG STONE COUNTY
CANNABIS ORIENTED BUSINESS
AND LAND USE ORDINANCE 24-02**

Adopted by the Big Stone County Board of Commissioners

December 17, 2024

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Table of Contents

Section 1: Administration.....	3
Section 2: Registration of Cannabis Business	5
Section 3: Requirements for Cannabis Businesses	8
Section 4: Temporary Cannabis Events	10
Section 5: Lower-Potency Hemp Edibles.....	11
Section 6: Local Government as a Cannabis Retailer.....	12
Section 7: Use in Public Places.....	12

Section 1: Administration

- Subdivision 1 Findings and Purpose
 - Big Stone makes the following legislative findings:
 - 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, and welfare of Big Stone County residents by regulating cannabis businesses within the legal boundaries of Big Stone County.
 - Big Stone County finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Big Stone 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.
- Subdivision 2 Authority and Jurisdiction
 - Big Stone County has the authority to adopt this ordinance pursuant to:
 - 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.
 - Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
 - Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
 - Minn. Stat. 394.21, regarding county authority to adopt planning and zoning ordinances.
 - Minn. Stat. 394.24, regarding official controls.
 - Minn. Stat. 394.25 regarding adoption of official controls by ordinance.
 - Minn. Stat. 394.36 regarding nonconformities.
 - This Ordinance applies to “unincorporated areas” in Big Stone County. “Unincorporated areas” are those that are outside of incorporated cities. This Ordinance does not apply to the incorporated cities of Ortonville, Odessa, Clinton, Barry, Graceville, Correll, Beardsley, and Johnson, unless said City delegates this authority to Big Stone County.
- Subdivision 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.
- Subdivision 4 Enforcement
 - The Big Stone County Sheriff's Department, Big Stone County Attorney, Big Stone County Environmental Director and Countryside Public Health 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 a permit is required for a regulated activity listed in this ordinance.

- Subdivision 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 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.
- 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 Big Stone 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 retail business.

Section 2: Registration of Cannabis Business

- Subdivision 1 Consent to registering of Cannabis Business
 - No individual or entity may operate a state-licensed cannabis retail business within Big Stone County without first registering with the Big Stone County Auditor's Office.
 - Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registrations, the first violation shall incur from Big Stone County Board of Commissioners a civil penalty of \$500. For subsequent violations, the Big Stone County Board of Commissioners shall impose a penalty of \$2,000.
 - 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.
- Subdivision 2 Compliance Checks Prior to Retail Registration
 - Prior to issuance of a cannabis retail business registration, the Big Stone County Auditor and the Big Stone County Environmental Director 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, Big Stone 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.
- Subdivision 3 Registration and Application Procedure
 - Subd 2.3.1 Fees
 - Big Stone County shall not charge an application fee.
 - A registration fee as established in Big Stone 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 Big Stone 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.
 - Subd 2.3.2 Application Submittal
 - Big Stone County Auditor shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

- An applicant for a retail registration shall fill out an application form, as provided by Big Stone County’s Auditor’s Office. Said form shall include, but is not limited to:
 - Full name of the property owner and applicant.
 - Address, email address, and telephone number of the applicant.
 - The address and parcel ID for the property which the retail registration is sought.
 - Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.
 - Any additional standards as requested by the Big Stone County Auditor’s Office
 - The applicant shall include with the form:
 - The application fee as required in Subd 2.3.1.
 - A copy of a valid state license or written notice of OCM license preapproval.
 - Any additional standards as requested by the Big Stone County Auditor’s Office.
 - Once an application is considered complete, the Big Stone County Auditor’s Office shall inform the applicant as such, process the application fees, and approve or deny the application.
 - The application fee shall be non-refundable once processed.
 - Subd. 2.3.3 Application approval
 - 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 Subdivision 2.6.
 - 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.
 - A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.
 - Subd. 2.3.4 Annual Compliance Checks
 - Countryside Public Health 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. 4b and Minn. Stat. 342.24 and this Ordinance.
 - Countryside Public Health 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, or the local public health authority.

- Any failures under this section must be reported to the Office of Cannabis Management.
- Subd. 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 Big Stone County.
- Subdivision 4 Renewal of Registration
 - The Big Stone 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 Big Stone County Auditor's Office.
 - A cannabis retail registration issued under this ordinance shall not be transferred.
 - Subd. 2.4.1 Renewal Fees
 - Big Stone County may charge a renewal fee for the registration starting at the second renewal, as established in Big Stone County's fee schedule.
 - Subd. 2.4.2 Renewal Application
 - The application for renewal of a retail registration shall include, but is not limited to:
 - Items required under Subd. 2.3.2 of this Ordinance
 - Any additional standards as requested by the Big Stone County Auditor's Office
- Subdivision 5 Suspension of Registration
 - Subd. 2.5.1 When Suspension is Warranted
 - Big Stone County Auditor may suspend a cannabis retail business's registration if it violates the ordinance of Big Stone County or poses an immediate threat to the health or safety of the public. Big Stone County shall immediately notify the cannabis retail business in writing the grounds for the suspension.
 - Subd. 2.5.2
 - Big Stone County Auditor shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide Big Stone County and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.
 - Subd. 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.
 - Big Stone County Auditor may reinstate registration if it determines that the violations have been resolved.

- Big Stone County Auditor shall reinstate a registration if OCM determines that the violation(s) have been resolved.
 - Subd. 2.5.4 Civil Penalties
 - Subject to Minn. Stat. 342.22, Subd. 5(e) Big Stone County may impose a civil penalty, as specified in the Big Stone County’s Fee Schedule, for registration violations, not to exceed \$2,000.
- Subdivision 6 Limiting of Registrations
 - The Big Stone County Board of Commissioners shall limit the number of cannabis retail businesses to no more than 1 registration for every 12,500 residents within Big Stone County.

Section 3: Requirements for Cannabis Businesses

- Subdivision 1 Minimum Buffer Requirements
 - Big Stone County shall prohibit the operation of a cannabis business within 1,000 feet of a school (as measured by the business building to the school property line).
 - Big Stone County shall prohibit the operation of a cannabis business within 500 feet of a daycare (as measured by the business building to the Daycare property line).
 - Big Stone County shall prohibit the operation of a cannabis business within 500 feet of a Residential Treatment Facility (as measured by the business building to the Residential Treatment Facility property line).
 - Big Stone 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 but not limited to a playground, swimming pool, or athletic field (as measured by the business building to the attraction).
 - Pursuant to Minn. Stat. 394.36, nothing in Section 3, Subd. 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 attraction within a public park that is regularly used by minors, moves within the minimum buffer zone.
- Subdivision 2 Zoning and Land Use **for Unincorporated Areas**
 - Subd. 3.2.1 Cultivation
 - Cannabis business licensed or endorsed for cultivation are permitted as listed in the following zoning districts:
 - C1 Commercial or I1 Industrial Districts
 - A1 or A2 Agricultural Districts.
 - Subd. 3.2.2 Cannabis Manufacturer
 - Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a conditional use in the following zoning districts:
 - C1 Commercial or I1 Industrial Districts

- A2 Agricultural District
 - Subd. 3.3.3 Hemp Manufacturer
 - Business licensed or endorsed for low-potency hemp edible manufacturers permitted as a conditional use in the following zoning districts:
 - C1 Commercial or I1 Industrial Districts
 - A2 Agricultural District
 - Subd. 3.2.4 Wholesale
 - Cannabis businesses licensed or endorsed for wholesale are permitted as a conditional use in the following zoning districts:
 - C1 Commercial or I1 Industrial Districts
 - A2 Agricultural District
 - Subd. 3.2.5 Cannabis Retail
 - Cannabis businesses licensed or endorsed for retail are permitted as a conditional use in the following zoning districts:
 - A1 or A2 Agricultural District
 - C1 Commercial District or I1 Industrial Districts
 - Subd. 3.2.6 Cannabis Transportation
 - Cannabis businesses licensed or endorsed for transportation are permitted as a conditional use in the following zoning districts:
 - A1 or A2 Agricultural Districts
 - C1 Commercial District or I1 Industrial Districts
 - Subd. 3.2.7 Cannabis Delivery
 - Cannabis businesses licensed or endorsed for delivery are permitted as a conditional use in the following zoning districts:
 - A1 or A2 Agricultural districts
 - C1 Commercial District or I1 Industrial Districts
- Subdivision 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. and 9 p.m. Monday through Saturday. No Sunday sales.
- Subdivision 4 Performance Standards
 - Subdivision 3.4.1 Odor
 - Offensive odors outside of property boundaries will not be allowed. Permit holders must follow MN Rules 342.23 subd 4.
 - Subdivision 3.4.2 Sewage
 - Discharge water from hemp and/or cannabis businesses shall not be discharged into private sewer systems.
 - Subdivision 3.4.3 Setbacks

- See Section 3 Subdivision 1 for buffer requirements.
- Underlying zoning district setbacks shall dictate property line setbacks in addition to any setbacks in Subdivision 3.
- Subdivision 3.4.4 Minimum Lot Size
 - Retail Sites
 - Minimum building size for retail establishment shall be 1,200 sq. ft.
 - Retail establishment shall not be in temporary/portable or easily moved structure.
 - Retail establishment shall have footings or slab under building and integral to the design. Buildings/structures will not be allowed to be set on concrete slab and must be anchored into the concrete.
 - Minimum roadway frontage for retail establishments shall be 150 feet from the centerline of the road.
 - Other
 - Lot size shall be as determined by law.
- Subdivision 3.4.5 Security
 - Fencing
 - Security Fence, minimum 8', will be required at all facilities other than retail sites where cannabis or hemp products are stored, processed, or handled.
 - Cameras
 - A camera system shall be installed at all businesses where cannabis or hemp is being stored for more than 4 hours at a time. Camera system shall be made available to law enforcement within 24 hours of being requested. Camera recorder must be capable of saving recordings for a minimum of 7 days consecutively.
 - Lighting
 - Exterior lighting shall be required at all facilities to make the facility safe. Lighting plans shall be prepared for conditional use permit hearings.

Section 4: Temporary Cannabis Events

- Subdivision 4 License or Permit Required for Temporary Cannabis Events
 - Subd. 4.1.1 License Required
 - A license is required to be issued and approved by Big Stone County prior to holding a temporary cannabis event.
 - Subd. 4.1.2 Registration and Application Procedure
 - A registration fee, as established in Big Stone County's Fee Schedule, shall be charged to applicants for temporary cannabis events.
 - Subd. 4.1.3 Application Submittal & Review

- The Big Stone County Auditor’s Office shall require an application for temporary cannabis events.
 - An applicant for a retail registration shall fill out an application form, as provided by the Big Stone County Auditor’s Office. Said form shall include, but is not limited to:
 - Full name of property owner and applicant
 - Address, email address, and telephone number of the applicant.
 - Any additional information requested by the Big Stone County Auditor’s Office or Big Stone County Sheriff’s Office.
 - The applicant shall include with the form:
 - The application fee as required in Subd. 4.1.2.
 - A copy of the OCM cannabis event license application, submitted pursuant to 342.39, Subd. 2.
 - The application shall be submitted to the Big Stone County Auditor’s Office 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.
 - Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and approve or deny the application.
 - The application fee shall be non-refundable once processed.
 - A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.
 - A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The County shall notify the applicant of the standards not met and basis for denial.

Section 5: Lower-Potency Hemp Edibles

- Subdivision 1 Sale of Low-Potency Hemp Edibles
 - The sale of Low-Potency Edibles is permitted, subject to the conditions within this section.
- Subdivision 2 Zoning Districts
 - Low-Potency Edibles businesses are permitted as a Permitted use in the following zoning districts:
 - A2 Agricultural districts
 - C1 Commercial District or I1 Industrial Districts
- Subdivision 3 Additional Standards
 - Subd. 5.3.1 Sales within a Municipal Liquor Store
 - The sale of low-potency edibles is permitted in a municipal liquor store.
 - Subd. 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.
- Subd. 5.3.3 Beverages
 - The sale of low-potency hemp beverages is permitted in places that meet requirements of this Section.
- Subd. 5.3.4 Storage of Product
 - Low-potency edibles shall be sold behind a county and stored in a locked case.

Section 6: Local Government as a Cannabis Retailer

- Big Stone County may establish, own, and operate a 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 Subdivision 2.6.
- Big Stone County shall be subject to all the 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.

ADOPTION OF ORDINANCE 24-02

This Ordinance shall become effective and be in force from and after its passage, approval, publication and recording in the office of the County Recorder.

Passed and approved by the Board of County Commissioners, Big Stone County, Minnesota, this ____ day of _____, 2024.

Roger Sandberg, Chairman
Big Stone County Board of Commissioners

Attest:

Pam Rud, Big Stone County Coordinator

I, Pam Rud, do hereby certify that this is true and correct copy of the Big Stone County Cannabis Oriented Business and Land Use Ordinance 24-02 as passed by the Board of Commissioners on this ____ day of _____, 2024.

I, further certify that on the this ____ day of _____, 2024, the County Commissioners duly approved a Summary of the Foregoing Ordinance to be published, pursuant to Minn. Stat. 375.51, Subd, 3.

Pam Rud, Big Stone County Coordinator

Date of publication of Summary of Ordinance 24-02: _____, 2025

