

**LE SAUK TOWNSHIP
STEARNS COUNTY, MINNESOTA
Ordinance No. 25-02**

**ORDINANCE AMENDING CHAPTER V OF THE LE SAUK
TOWNSHIP CODE REGARDING CANNABIS BUSINESSES**

The Board of Supervisors of the Town of Le Sauk ordains:

Article I. Legislative Findings.

- a. Type of Review. The amendments to Chapter V of the Le Sauk Township Code apply to the Town Agricultural District (A-20) and, under Section 590.02, are subject to a Type 2 review. Under Section 590.04, a Type 2 review involves notice and a public hearing before the Joint Planning Board, the Joint Planning Board making a recommendation to the Town Board, and then the Town Board taking final action on the text amendment.
- b. Findings. The Town Board finds that it is in the best interests of the Town to establish zoning regulations on cannabis businesses in the Town, understanding the law does not allow the Town Board to prohibit such businesses within the Town.

Article II. Cannabis Businesses. The Le Sauk Township Zoning and Subdivision Regulations are hereby amended by adding a new Section 573 as follows:

Section 573 – Cannabis Businesses

573.01. **Purpose.** The purpose of this section is to protect the public health, safety, welfare of the Town’s residents, and to promote the community’s interest in reasonable stability in zoning, by regulating cannabis businesses within the legal boundaries of the Town.

573.02. **Authority.** The Town is authorized by Minnesota Statutes, section 342.13(c) to adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business, including the adoption of zoning regulations under Minnesota Statutes, section 462.357. The Town is also authorized to register cannabis businesses under Minnesota Statutes, section 342.22 and to regulate the use of cannabis in public places under Minnesota Statutes, section 152.0263, subdivision 5. The intent of this section is to comply with the provisions of Minnesota Statutes, chapter 342 and the rules promulgated thereunder. References to statutes shall include any amendments made to those sections and includes any successor provisions.

573.03. **Definitions.** For the purpose of this section, the following terms shall have the meaning given them in this subsection. Any term not defined in this subsection shall have the meaning given the term in Minnesota Statutes, Section 342.01, or in the rules promulgated by the Minnesota Office of Cannabis Management, including any amendments made thereto.

Subdivision 1. “Adult-use cannabis product” has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 4.

Subd. 2. “Cannabis business” has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 14, and includes all businesses listed thereunder. For the purposes of this section, the term also includes hemp manufacturers and hemp retailers.

Subd. 3. “Cannabis cultivator” means a cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.30, or such other law as may apply, to cultivate cannabis.

Subd. 4. “Cannabis event organizer” means a cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.39, or such other law as may apply, to hold temporary cannabis events.

Subd. 5. “Cannabis manufacturer” means a cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.31, or such other law as may apply, to manufacture cannabis.

Subd. 6. “Cannabis wholesaler” means a cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.33, or such other law as may apply, to sell cannabis at wholesale.

Subd. 7. “Cannabis retailer” means a cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.32, or such other law as may apply, to sell cannabis at retail.

Subd. 8. “Cannabis testing facility” means a cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.37, or such other law as may apply, to test cannabis.

Subd. 9. “Cannabis transporter” means a cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.35, or such other law as may apply, to transport cannabis.

Subd. 10. “Cannabis deliverer” means a cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.41, or such other law as may apply, to sell deliver cannabis.

Subd. 11. “Daycare” means 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.

Subd. 12. “Hemp manufacturer” means a cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.43, or such other law as may apply, to manufacture lower-potency hemp edibles.

Subd. 13. “Hemp retailer” means a cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.43, or such other law as may apply, to sell lower-potency hemp edibles at retail.

Subd. 14. “Lower-potency hemp edible” has the same meaning given the term in Minnesota Statutes, section 342.01, subdivision 50.

Subd. 15. “Medical cannabis combination business” means a cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.515, or such other law as may apply, to cultivate, manufacture, package, and sell cannabis.

Subd. 16. “Office of Cannabis Management” means the Minnesota Office of Cannabis Management, which has the powers and duties set out in Minnesota Statutes, section 342.02.

Subd. 17. “Place of public accommodation” means 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.

Subd. 18. “Public place” means 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.

Subd. 19. “Residential treatment facility” has the meaning given the term in Minnesota Statutes, section 245.462, subdivision 23.

Subd. 20. “School” means a public school as defined under Minnesota Statutes, section 120A.05, or a nonpublic school that must meets the reporting requirements under Minnesota Statutes, section 120A.24.

573.04. Allowed Uses.

Subdivision 1. Zoning Districts. Notwithstanding anything to the contrary in this Chapter, the following uses are allowed in the identified zoning districts with the issuance of an interim use permit. No cannabis business is allowed to be located within any residential overlay district, even if that overlay district is located within the Town Agriculture (A-20) Zoning District.

<u>Use</u>	<u>Zoning District</u>
<u>Cannabis Retailer</u>	<u>Town Agriculture (A-20)</u>
<u>Hemp Retailer</u>	<u>Town Agriculture (A-20)</u>
<u>Cannabis Cultivator</u>	<u>Town Agriculture (A-20)</u>
<u>Cannabis Manufacturer</u>	<u>Town Agriculture (A-20)</u>
<u>Hemp Manufacturer</u>	<u>Town Agriculture (A-20)</u>

<u>Cannabis Wholesaler</u>	<u>Town Agriculture (A-20)</u>
<u>Cannabis Testing Facility</u>	<u>Town Agriculture (A-20)</u>
<u>Cannabis Transporter</u>	<u>Town Agriculture (A-20)</u>
<u>Cannabis Deliverer</u>	<u>Town Agriculture (A-20)</u>
<u>Cannabis Event Organizer</u>	<u>Town Agriculture (A-20)</u>
<u>Medical Cannabis Combination Business</u>	<u>Town Agriculture (A-20)</u>

Subd. 2. Medical Cannabis Combination Business. A medical cannabis combination business shall, for the purposes of determining in which zoning districts the particular cannabis business may be located, be classified as a cannabis cultivator, cannabis manufacturer, and/or a cannabis retailer depending on the scope of its operations.

573.05. **Permit Required.** No cannabis business shall operate within the Town without first obtaining an interim use permit from the Town in accordance with Section 600.

573.06. **Buffer Zones.**

Subdivision 1. Buffer Distances. Except as provided below, no cannabis business shall be located or operate within:

- (a) 1,000 feet of a school;
- (b) 500 feet of a residential treatment facility;
- (c) 500 feet of a daycare facility; or
- (d) 500 feet of an attraction within a public park that is regularly used by minors including, but not limited to, playgrounds and athletic fields.

Subd. 2. Nonconforming. A cannabis business lawfully established and operating in a location may continue to operate as a lawful nonconforming use if a school, residential treatment facility, daycare facility, or park is established within the required buffer distance. A cannabis business that becomes nonconforming is subject to the restrictions in Minnesota Statutes, section 462.357, subdivision 1e.

573.07. **Performance Standards.** Cannabis businesses shall comply with the performance standards and restrictions set out in this subsection and with all other applicable Minnesota and local laws, rules, regulations, and ordinances.

Subdivision 1. Licensing. No cannabis business may operate within the Town unless it licensed by the Office of Cannabis Management, and then only to the extent allowed by the licenses and endorsements issued to the cannabis business.

Subd. 2. Registration. No cannabis business may operate within the Town unless it is currently registered with the County, if registration of the particular type of cannabis business is

required under Minnesota Statutes, section 342.22. If the County acts to suspend the registration the cannabis business shall cease all activities associated with registered business until the registration is reinstated. If the County acts to cancel a registration, the cannabis business shall cease all activities associated with the registered business.

Subd. 3. Town Code. Every cannabis business shall comply with all applicable requirements of the Town Code.

Subd. 4. Building Code. Cannabis businesses shall comply with all applicable building and fire codes.

Subd. 5. Hours of Operation. No cannabis business with a license or endorsement authorizing the retail sale of cannabis flower or cannabis products may sell cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products outside of the hours of operation established by the County. If the County does not establish specific hours of operation, the hours established in Minnesota Statutes, section 342.27, subdivision 7 shall apply.

Subd. 6. Retail Sales. Any cannabis business licensed or endorsed to sell cannabis or lower-potency hemp edibles at retail shall comply with the following:

- (a) The owner shall include a copy of the operating plan required under Minnesota Statutes, section 342.32, subdivision 3 as part of the application materials for an interim use permit for the cannabis business; and
- (b) Comply with the prohibitions contained in Minnesota Statutes, section 342.27, subdivision 12 including, but not limited to, not operating a drive-through window, not dispensing products using a vending machine, and not making sales when the cannabis business knows that any required security or statewide monitoring system is not operational.
- (c) A cannabis business shall not be considered an accessory use to another use on a property.
- (d) Outdoor display is prohibited. Outdoor display is an outdoor arrangement of objects, items, products or other materials typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product or service.
- (e) All parking areas, loading areas and access drives to parking and loading areas shall be durable and dustless.

Subd. 7. Cannabis Cultivation. Any cannabis business licensed or endorsed to cultivate cannabis shall comply with the following:

- (a) The owner shall include a copy of the operating plan required under Minnesota Statutes, section 342.30, subdivision 3 as part of the application materials for an interim use permit for the cannabis business; and
- (b) Comply with the requirements in Minnesota Statutes, section 342.25 and all applicable rules established for such operations.

Subd. 8. Lower-Potency Hemp Edibles. The sale of lower-potency hemp edibles are subject to the restrictions and requirements of this subsection.

- (a) The sale of lower-potency hemp edibles is only allowed in places that limit admission to persons 21 years of age and older.
- (b) Lower-potency hemp edibles shall be stored in a locked case and may only be sold behind a counter.

Subd. 9. Prohibitions. No cannabis business shall operate in a manner that violates, or fails to comply with, the provisions of Minnesota Statutes, chapter 342, such other laws as may apply, and the following:

- (a) No cannabis flower, cannabis products, or hemp-derived consumer products in a manner that involves the inhalation of smoke, aerosol, or vapor shall be used at any location where smoking is prohibited under Minnesota Statutes, section 144.414; and
- (b) No cannabis business authorized to sell at retail shall sell any cannabis flower or cannabis products in violation of any of the prohibitions in Minnesota Statutes, section 342.27, subdivision 12.

573.08. **Cannabis Event Permit.** No cannabis event may occur within the Town unless the event organizer first obtains a cannabis event permit from the Town and complies with the requirements of this subsection and all applicable laws.

Subdivision 1. Consumption Prohibited. The consumption of adult-use cannabis products at a cannabis event is prohibited.

Subd. 2. Permit Required. A cannabis business licensed by the Office of Cannabis Management to conduct temporary cannabis events may only conduct an event in a zoning district in which the use is allowed, and then only upon obtaining a cannabis event permit from the Town.

Subd. 3. Application Process. Unless the interim use permit issued to a cannabis event organizer indicates otherwise, the following procedure shall apply for seeking a cannabis event permit for an event. A separate cannabis event permit is required for each event.

- (a) The applicant must complete and submit the Town's cannabis event permit application form together with the applicable fee at least 60 days before the start of the proposed event. Incomplete applications will be returned to the applicant without processing. If the proposed cannabis event constitutes a special event under the Town's regulations, the applicant is required to follow the applicable requirements to obtain a special events license or permit, and such approval shall also constitute the cannabis event permit for the particular event.
- (b) If approved, the cannabis event permit shall, at a minimum, indicate the event location, dates (not to exceed four days), daily operating hours, and the specific restrictions or requirements placed on the event. The types of restrictions and requirements placed on an event will vary depending on the anticipated size and may include, but are not limited to, traffic routing, parking, security, sanitation facilities, garbage, first aid, limitations on amplified music and public address systems, insurance coverages, and maximum attendance.

Subd. 4. Enforcement. The Town may suspend or revoke a cannabis event permit if the event organizer fails to comply with the conditions placed on the permit in any material way after being informed of the violation and the need to correct it. The Town may deny issuing a permit to an event organizer that failed to comply with any cannabis event permit issued within the preceding three years.

573.09. Public Use of Cannabis. 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 a cannabis business licensed by the Office of Cannabis Management for on-site consumption.

ARTICLE III. Effective Date. This Ordinance is effective on the first day of publication of an approved summary.

ARTICLE IV. Incorporation of Amendments. The Town Attorney is authorized and directed to incorporate these amendments into the Town Code. This authorization includes incorporating any prior amendments that have not been incorporated, updating indexes, and making any typographical or other non-substantive corrections as may be needed. The updated document shall constitute the official Le Sauk Township Code.

Adopted this ____ day of _____ 2025.

BY THE TOWN BOARD

Dan Heim, Chairperson

Attest: _____
Marlyce Plante, Clerk

New material is shown in double underlining and deleted material is shown in ~~strikeout~~.