

Resolution 25-065
COUNTY OF FREEBORN
STATE OF MINNESOTA

ORDINANCE No.: 2025-00

BE IT ORDAINED BY THE COUNTY BOARD OF COMMISSIONERS:

That Chapter 8 of the Code of Ordinances of Freeborn County, Minnesota is hereby amended to read as follows:

Article IV. - Registration of Cannabis Businesses

Sec. 8-55. – Purpose.

The purpose of this ordinance is to implement the provisions of Minn. Stat. 2024, chapter 342 of the laws of Minnesota ("State" or "the State"), which authorizes Freeborn County ("County" or "the County") to protect the public health, safety, and welfare of County residents by regulating cannabis businesses within the legal boundaries of the County.

Sec. 8-56. – Findings.

The County finds and concludes that the proposed provisions are appropriate and lawful regulations for the County, that the proposed amendments will promote the community's interest in reasonable stability for now and in the future, and the proposed provisions are in the public interest and for the public good.

Sec. 8-57. – Authority and Jurisdiction.

- (a) The county has the authority to adopt this ordinance pursuant to:
- (1) Minn. Stat. 2024, § 342.13, 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 operation provide that such restrictions do not prohibit the establishment or operation of cannabis businesses.
 - (2) Minn. Stat. 2024, § 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
 - (3) Minn. Stat. 2024, § 152.0263, subd. 5, regarding the use of cannabis in public places
 - (4) Minn. Stat. 2024, § 462.357, regarding the authority of a local unit of government to adopt zoning regulations.
- (b) This ordinance applies to the unincorporated areas of the County and any cities and/or organized townships that have delegated their registration authority to the County.

Sec. 8-58. – 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.

Sec. 8-59. – Enforcement.

The Freeborn County Sheriff is responsible for the 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.

Sec. 8-60. – Administration.

The provisions of this ordinance shall be administered by the office of the Freeborn County Auditor-Treasurer.

Sec. 8-61. – Definitions.

Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 2024, § 342.01, and rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.

Cannabis Cultivation. See “Cannabis-related definitions” herein.

Cannabis-related definitions. The definitions in Minn. Stat. 2024, § 342.01 are hereby incorporated by reference including, without limitation: "Cannabis business", "Cannabis plant", "Cannabis product", "Cooperative", "Cultivation", "Drug", "Medical cannabis cultivator", and "Medical cannabis retailer".

Cannabis Retail Businesses. See “Cannabis-related definitions” herein.

Cannabis Retailer. See “Cannabis-related definitions” herein.

Daycare. A location licensed by the Minnesota Department of Health to provide 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. See “Cannabis-related definitions” herein.

Office of Cannabis Management (OCM). The Minnesota OCM.

Place of Public Accommodation means a business, refreshment, entertainment, recreation, or transportation facility of any kind whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public, but does not include the following:

- (1) A private residence, including the individual’s curtilage or yard.
- (2) A private property, not generally accessible by the public, unless the individual is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or help-derived consumer products on the property by the

owner of the property; or

- (3) The premises of an establishment or event licensed to permit on-site consumption.

Preliminary License Approval. OCM pre-approved for a cannabis business license for applicants who qualify under Minn. Stat. 2024, § 342.17.

Public Place means a public park or trail; public street or sidewalk; the public waters, public boat launch; any area used by the general public including, but not limited to: theaters, restaurants, bars, food establishments, places licensed to sell intoxicating liquor, wine, or malt beverages, retail businesses, gyms, common areas in buildings including without limitation rental apartment buildings, public meeting places, educational facilities, hospitals, nursing homes, public shopping areas, auditoriums, arenas, any place owned by the county; and places of public accommodation; but does not include the following:

- (1) A private residence, including the individual's curtilage or yard.
- (2) A private property, not generally accessible by the public, unless the individual is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or
- (3) The premises of an establishment or event licensed to permit on-site consumption.

Residential Treatment Facility. As defined by Minn. Stat. 2024, § 245.462, subd. 23.

Retail Registration means an approved registration issued by a local unit of government to a State-licensed cannabis retail business.

School means a public school as defined by Minn. Stat. 2024, § 120A.05, or a nonpublic school that must meet the reporting requirements defined by Minn. Stat. 2024, § 120A.24.

State License means an approved license issued by the State OCM to a cannabis retail business.

Section 8-62. – Consent to Registering of Cannabis Businesses

- (a) A city and/or organized township can delegate their registration authority to the County; therefore, no individual or entity may operate a State-licensed cannabis retail business within unorganized townships, and cities and organized townships that have delegated their authority, without first registering with the County. For those cities and organized townships, the County will consult with the applicable city and/or organized township prior to registering the business.
- (b) Any State-licensed cannabis retail business that sells to a customer or patient without a valid retail registration shall incur a civil penalty of up to \$2,000.00 for each violation.
- (c) Notwithstanding the foregoing provisions, the State shall not issue a license to any cannabis business to operate in Indian country, as defined by United States Code Title 18, Section 1151, of a Minnesota Tribal government without the consent of the Tribal government.

Sec. 8-63. – Compliance Checks Prior to Retail Registration

- (a) Prior to issuance of a cannabis business registration, the County shall conduct a preliminary compliance check to ensure compliance with local ordinances.
- (b) Pursuant to Minn. Stat. 2024, chapter 342, within thirty (30) days of receiving a copy of a State-license application from the OCM, the County shall certify, on a form provided by OCM, whether a proposed cannabis retail business complies with local zoning regulations.

Sec. 8-64. – Registration and Application Procedure

(a) *Fees.*

- (1) The County shall not charge an application fee.
- (2) A registration fee shall be charged to applicants depending on the type of State retail business license applied for.
- (3) An initial registration fee is one half the amount of the initial State license fee or \$500.00, whichever is less, as specified under Minn. Stat. § 342.11. The initial registration fee shall include the initial retail registration fee and the first renewal fee.
- (4) Any renewal registration fee imposed by the County shall be charged at the time of the second renewal and each subsequent renewal thereafter.
- (5) The renewal registration fee is one half the amount of the State license fee, or \$1,000.00, whichever is less. (per Minn. Stat. 2024, § 342.11)
- (6) 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 business.

(b) *Application Submittal.*

- (1) The County shall issue a retail registration to a State-licensed cannabis retail business that adheres to the requirements specified in Minn. Stat. 2024, § 342.22.
 - (i) An applicant for a retail registration shall fill out an application form, as provided by the County. The form shall include but is not limited to:
 - A. Full name of the property owner and applicant;
 - B. Address, email address, and telephone number of the applicant;
 - C. The address and parcel number for the property for which the retail registration is sought;
 - D. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 2024, chapter 342.
 - (ii) The applicant shall include with the form:
 - A. The non-refundable application fee as required in Sec. 8-64 (a);

B. A copy of a valid State license, or written notice of OCM license preapproval.

(iii) Once an application is considered complete, the Auditor-Treasurer shall inform the applicant, process the application fees, and forward the application to the County Board of Commissioners for consideration.

(c) *Application Approval.*

- (1) 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 Sec. 8-67 of this ordinance.
- (2) 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 or is found not to be in compliance with the requirements of Minn. Stat. 2024, chapter 342 or this ordinance at any compliance check or preliminary compliance check that the County performs.
- (3) A State-licensed cannabis retail business application that meets the requirements of this ordinance including adherence to the requirements specified in Minn. Stat. 2024, § 342.22 shall be approved.

(d) *Annual Compliance Checks.*

- (1) The County shall complete a minimum of one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under Minn. Stat. 2024, § 342.22, subd. 4(b), § 342.24, and the provisions of this ordinance.
- (2) The County shall conduct a minimum of one unannounced age verification compliance check per calendar year.
- (3) Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21, who with the prior consent of a parent or guardian if the person is under the age of 18, shall attempt to purchase adult-use cannabis derived consumer products under the direct supervision of a law enforcement officer or an employee of the County.
- (4) Any compliance failures under this section must be reported to the OCM.

(e) *Location Change.*

- (1) A State-licensed cannabis retail business shall be required to submit a new application for registration under Sec. 8-64(b) if it seeks to move to a new location still within the legal boundaries of the County.

Sec. 8-65. Renewal of Registration

- (a) The County shall renew an annual registration of a State-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.
- (b) A State-licensed cannabis retail business shall apply to renew registration on a form

established by the County. A cannabis retail registration issued under this ordinance shall not be transferred.

- (c) *Renewal Fees.* The County may charge a renewal fee for the registration starting at the second renewal, as established in the County's fee schedule.
- (d) *Renewal Application.* The application for renewal of a retail registration shall include, but is not limited to, the items required under Sec. 8-64(b) of this Ordinance.

Sec. 8-66. Suspension of Registration

(a) *When Suspension is Warranted.*

- (1) The County may suspend a cannabis retail business' registration if it violated the provisions of this ordinance, or poses an immediate threat to the health or safety of the public. The County shall immediately notify the cannabis retail business, in writing, the grounds for the suspension.

(b) *Notifications to OCM.*

- (1) The County shall immediately notify the OCM, in writing, the grounds for the suspension. OCM will provide the County and cannabis business retailer a response to the complaint within seven (7) calendar days and perform any necessary inspections within thirty (30) calendar days.

(c) *Length of Suspension.*

- (1) The suspension of a cannabis retail business registration may be for up to thirty (30) calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended. The County may reinstate a registration if it determines that the violation(s) have been resolved.
- (2) The County shall reinstate a registration if OCM determines that the violation(s) have been resolved.

(d) *Civil Penalties.*

- (1) The County may impose a civil penalty, as specified in the County's Fee Schedule, for registration violations up to \$2,000 for each violation of Minn. Stat. § 342.22, subd. 5(e).

Sec. 8-67. Limiting of Registrations

If the County has one active cannabis retail business registration for every 12,500 residents, the County shall not register additional State-licensed cannabis retail businesses.

BY THE BOARD



Commissioner Brad Edwin, Chairman

Attest: 

Darrell Pettis, Interim Administrator

Adopted this 4th day of March, 2025