



POPE COUNTY ORDINANCE No. 202501

REGULATING CANNABIS BUSINESSES AND EVENTS IN POPE COUNTY

WHEREAS, the statutes of the State of Minnesota grant authority to the County Boards of the State to adopt ordinances for the purpose of regulating cannabis businesses and events; and

WHEREAS, the proper exercise of the police power of Pope County requires that cannabis business and events are regulated for the protection of the public health, safety, and welfare;

NOW, THEREFORE, the Pope County Board of Commissioners does hereby ordain:

AN ORDINANCE REGULATING CANNABIS BUSINESSES AND EVENTS IN POPE COUNTY

Section 1: ADMINISTRATION

1.1 Findings and Purpose

The County of Pope makes the following legislative findings:

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

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

Pope 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. 394.21, regarding the authority of a local authority to adopt zoning ordinances.

This ordinance shall be applicable to the legal boundaries of Pope County.

Local governments within the boundaries of Pope County may lawfully delegate cannabis retail registration authority to Pope County by that local government's official act and upon notice to

the County of the local government's delegation. However, nothing in this Ordinance prohibits a local government within the boundaries of Pope County from adopting lawful ordinances addressing subjects raised under Sections 2.6, 3, and 4 of this Ordinance if Pope 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

Pope County and its duly elected, appointed, or delegated officials 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

- a) 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.
- b) 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.
- c) Cannabis Retail Businesses: A retail location and the retail location(s) of a mezzobusiness with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers.
- d) 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.
- e) 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.
- f) Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.
- g) Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
- h) 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.

- i) Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
- j) 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.
- k) Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.
- l) Retail Registration: An approved registration issued by the Pope County to a state-licensed cannabis retail business.
- m) 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.
- n) 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 within Pope County or within a municipality within Pope County having lawfully delegated registration power to Pope County in accordance with Section 1.2 of this Ordinance without first registering with Pope 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.

2.2 Compliance Checks Prior to Retail Registration

Prior to issuance of a cannabis retail business registration, Pope County or its designee 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, Pope 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

A registration fee, as established in Pope County 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 Pope 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

Pope 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 Pope 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.
- (B) The applicant shall include with the form:
 - i. any fees as required by statute or ordinance;
 - ii. a copy of a valid state license
- (C) Once an application is considered complete, Pope County or its designee shall inform the applicant as such, process any fees, and forward the application to the Board of County Commissioners that will approve or deny the application request.
- (D) Fees 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 any 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) A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

2.3.4 Annual Compliance Checks

Pope County or its designee shall complete at minimum one compliance check per calendar year of every lawfully registered 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 Pope County or its designee shall conduct at minimum one unannounced age verification compliance check at each lawfully registered cannabis business 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 County or its designee.

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 Pope County either in an unincorporated area or in a municipality having lawfully delegated registration authority to the County under Section 1.2.

2.4 Renewal of Registration

Pope 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 Pope County.

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

2.4.1 Renewal Fees

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

2.4.2 Renewal Application

The application for renewal of a retail registration shall include, but is not limited to:

- Items required under Section 2.3.2 of this Ordinance.

2.5 Suspension of Registration

2.5.1 When Suspension is Warranted

Pope County may suspend a cannabis retail business's registration if there is a violation of this ordinance, noncompliance with the Land Use Controls Ordinance or poses an immediate threat to the health or safety of the public. Pope County shall immediately notify the cannabis retail business in writing the grounds for the suspension.

2.5.2 Notification to OCM

Pope County shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide Pope 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.

Pope County shall reinstate a registration if it determines that the violations have been resolved.

2.5.4 Civil Penalties

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

2.6 Limiting of Registrations

Pope County shall not limit the number of cannabis retail businesses based on population.

Section 3: REQUIREMENTS FOR CANNABIS BUSINESSES

3.1 Minimum Buffer Requirements

It shall be prohibited to operate a cannabis business within:

- 1000 feet of a school
- 500 feet of a day care facility
- 500 feet of a residential treatment facility
- 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
- 500 feet of another cannabis retail business.
- 500 feet of a church

Pursuant to Minn. Stat. 394.36, 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 attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

3.2 Zoning and Land Use

All zoning and land use concerning or related to cannabis shall be governed by the provisions of the Pope County Land Use Controls Ordinance (LUCO), and any successor ordinance as amended.

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 a.m. and 9 p.m. Monday thru Sunday

3.4 Advertising

Cannabis businesses are permitted to erect one fixed sign on the exterior of the building or property of the business, unless otherwise limited by a signage standard as codified in the Land Use controls ordinance or as a standalone sign ordinance.

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 the Pope County Board of Commissioners prior to holding a Temporary Cannabis Event.

4.1.2 Registration & Application Procedure

A registration fee, as established in the Pope County Fee Schedule, shall be charged to applicants for Temporary Cannabis Events.

4.1.3 Application Submittal & Review

Pope County requires that an event organizer/sponsor submit to the county for consideration an application for Temporary Cannabis Events.

- (A) An applicant for a special event registration shall fill out an application form, as provided by Pope 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;
- (B) The applicant shall include with the form:
 - i. the application fee as required in Section 4.1.2;
 - ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.
 - iii. All required information under 10.29.4 (D) of the Land Use Controls Ordinance.
 - iv. Proof of conformance with zoning standards in the Land Use Controls Ordinance.

The application shall be submitted to Pope County to its Land and Resource Management Office for review. If the County determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.
- (C) The applicant will also be subject to the provisions of Sections 10.29.6, 10.29.7, 10.29.8, 10.29.9, and 10.29.10 of the Pope County Land Use Controls Ordinance, as applicable.
- (D) Once an application is considered complete, the County shall inform the applicant as such, process the application fees, and forward the application to the County Board of Commissioners for approval or denial.
- (E) The application fee shall be non-refundable once processed.
- (F) Temporary Cannabis Events with 100 or more attendees must also meet all the requirements applicable to special events in the Pope County Land Use Controls Ordinance.
- (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. The County shall notify the applicant of the standards not met and basis for denial.
- (I) Temporary Cannabis Events may only be held between the hours of 10 a.m. and 9 p.m. Monday through Sunday.

Section 5: LOWER-POTENCY HEMP EDIBLES

Lower-Potency Hemp Edibles and their establishments are subject to the same standards and requirements as corresponding Cannabis establishments under this Ordinance to the extent allowed by Minnesota law.

Section 6: LOCAL GOVERNMENT AS A CANNABIS RETAILER

Local governments within Pope County may establish, own, and operate one municipal cannabis retail business subject to the restrictions in this chapter.

Any municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses under Section 2.6.

Local government cannabis retailers shall be subject to all the same license requirements and procedures applicable to all other applicants.

Section 7: USE IN PUBLIC PLACES

Regulation of Use of Cannabis in Public Places is governed by the Provisions of Pope County Ordinance No. 202402 Regulating the Use of Cannabis and Cannabis-Derived Products in Public Places and Prohibiting the Use of Cannabis and Cannabis-Derived Products by Those Under the Age of 21, and any successor ordinance as amended.

Section 8: PENALTIES AND ENFORCEMENT

To the extent a penalty is not otherwise provided in law, a violation of this Ordinance shall be deemed a misdemeanor and that violation may be punished as a misdemeanor with the corresponding maximum penalty allowed by Minnesota Statutes §§ 375.53, 609.033, 609.034, or other applicable law.

In addition to any criminal penalties allowed by law, the County may enforce this Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction.

A violation of this Ordinance may also be considered a violation of the Pope County Land Use Controls Ordinance and shall be subject to the County enforcement pursuant to provisions set forth in Section 11.8 of the Land Use Controls Ordinance, as amended.

Section 9: SEVERABILITY

If any section or provision of this ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

Section 10: REPEAL OF PREVIOUS CANNABIS ORDINANCE

Ordinance No. 202405 and amendments, as presently enacted, is hereby repealed and replaced by this Ordinance upon this Ordinance's effective date.

Section 11: EFFECTIVE DATE

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

ADOPTED by the Pope County Board of Commissioners this 2nd day of September, 2025.



Larry Lindor, County Board Chair

ATTEST:



Kersten Kappmeyer, County Administrator
Pope County, Minnesota



Seal