

AN ORDINANCE TO REGULATE THE USE OF CANNABIS AND CANNABIS DERIVED PRODUCTS

The Red Lake County Board of Commissioners hereby ordains:

SECTION 1. ADMINISTRATION

1.1 FINDINGS & PURPOSE

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, Chapter 342, which authorizes Red Lake County (County) to protect the public health, safety, and welfare of County residents by regulating cannabis businesses within the legal boundaries of the County.

The County finds and concludes that the proposed provisions are appropriate and lawful land use 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.

1.2 AUTHORITY & JURISDICTION

The County has the authority to adopt this ordinance pursuant to:

- a. Minnesota Statute 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 provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
- b. Minnesota Statute 342.22, regarding the local registration and enforcement requirements of State-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- c. Minnesota Statute 152.0263, Subd. 5, regarding the use of cannabis in public places.
- d. Minnesota Statute 462.357, regarding the authority of a local unit of government to adopt zoning regulations.

This ordinance applies to the unorganized areas of the County and any cities and/or unorganized townships that have delegated their registration authority to the County.

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 Red Lake County Auditor's Office is responsible for the administration of the ordinance, and the Red Lake 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.

1.5 DEFINITIONS

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

- **Cannabis Cultivation:** A cannabis business licensed by the State to grow cannabis plants within the approved amount of space from seed or immature plants; harvest cannabis flowers from mature plants; package and label immature plants, seedlings, cannabis flowers for sale to other cannabis businesses; transport cannabis flowers to a cannabis manufacturer located on the same premises; and, perform the actions approved by the Office of Cannabis Management (OCM).
- **Cannabis Retail Businesses:** A retail location, and the retail location(s) or a mezzobusiness with a retail operations endorsement, microbusinesses with a retail operations endorsement, and medical combination businesses operating a retail location. (Note: this definition does not include lower-potency help edible retailers.)
- **Cannabis Retailer:** Any person, partnership, firm, corporation or association; foreign or domestic, selling cannabis products to a consumer and not for the purpose of resale in any form.
- **Daycare:** A location licensed by the Minnesota Department of Health to provide the care of a child in a facility or 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 by Minnesota Statute 342.01, Subd. 50.
- **Office of Cannabis Management (OCM):** The State of Minnesota Office for Cannabis Management.
- **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-approved for a cannabis business license for applicants who qualify under Minnesota Statute 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 any other places of public accommodation.
- **Residential Treatment Facility:** As defined by Minnesota Statute 245.462, Subd. 23.

- **Retail Registration:** An approved registration issued by a local unit of government to a State-licensed cannabis retail business.
- **School:** A public school as defined by Minnesota Statute 120A.05, or a nonpublic school that must meet the reporting requirements defined by Minnesota Statute 120A.24.
- **State License:** An approved license issued by the State OCM to a cannabis retail business.

SECTION 2. REGISTRATION OF CANNABIS BUSINESSES

2.1 CONSENT TO REGISTERING OF CANNABIS BUSINESSES

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.

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.

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, or 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 business registration, the County Sheriff may conduct a preliminary compliance check to ensure compliance with local ordinances.

Pursuant to Minnesota Statute 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.

2.3 REGISTRATION & APPLICATION PROCEDURE

2.3.1 FEES

- A. The County shall not charge an application fee.
- B. A registration fee shall be charged to applicants depending on the type of State retail business license applied for.
- C. An initial registration fee is one half the amount of the initial State license fee or \$500.00, whichever is less, as specified under Minnesota Statute 342.11.
- D. The initial registration fee shall include the initial registration fee and the first renewal fee.
- E. Any renewal registration fee imposed by the County shall be charged at the time of the second renewal and each subsequent renewal thereafter.

- F. The renewal registration fee is one half the amount of the State license fee, or \$1,000.00 whichever is less (per Minnesota Statute 342.11).
- G. 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.

2.3.2 APPLICATION SUBMITTAL

The County Shall issue no more than two retail registrations to a State-licensed cannabis retail business that adheres to the requirements specified in Minnesota Statute 342.22.

- A. 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 Minnesota Statute 342.13.
- B. The applicant shall include with the form:
 - a. A copy of a valid State License, or written notice of OCM license preapproval.
- C. Once an application is considered complete, the Sheriff shall inform the applicant, process the application fees and forward the application to the County Board of Commissioners for consideration.
- D. An applicant must provide proof of a Conditional Use Permit as approved through the Red Lake County Zoning Administrator.

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 of this ordinance.
- 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

- A. 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 Minnesota Statutes 342.22 Subd. 4(b), 342.24, and the provisions of this ordinance.

- B. The County shall conduct a minimum of one unannounced age verification compliance check per calendar year.
- C. 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), and shall attempt to purchase adult-use cannabis flowers, 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 County.
- D. Any compliance failures under this section must be reported to OCM.

2.3.5 LOCATION CHANGE

A State-licensed cannabis retail business shall be required to submit a new application for registration under Section 2.32 if it seeks to move to a new location still within the legal boundaries of the County.

New locations are subject to all Red Lake County Zoning Ordinances and requires a Conditional Use Permit.

2.4 RENEWAL OF REGISTRATION

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.

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.

2.4.1 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.

2.4.2 RENEWAL APPLICATION

The application for renewal of a retail registration shall include, but is not limited to, the items required under Section 2.3.2 of this Ordinance.

2.5 SUSPENSION OF REGISTRATION

2.5.1 WHEN SUSPENSION IS WARRANTED

The County may suspend a cannabis retail business' registration if it violates 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 of suspension.

2.5.2 NOTIFICATION TO OCM

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.

2.5.3 LENGTH OF SUSPENSION

- A. 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.
- B. The 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. 5e, the County may impose a civil penalty, as specified in the County's Fee Schedule, for registration violations, not to exceed \$2,000.00.

2.6 LIMITING OF REGISTRATIONS

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

SECTION 3. REQUIREMENTS FOR CANNABIS BUSINESSES

3.1 MINIMUM BUFFER REQUIREMENTS

The County shall prohibit the operation of a cannabis-related business, as follows:

- 1,000 feet from a school
- 500 feet from a church, daycare, library, or a residence on an adjacent property.
- 500 feet from a residential treatment facility.
- 500 feet from a park, playground, or athletic field.
- Setbacks shall be measured from property lines.
- 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, and/or public place that is regularly used by minors, moves within the minimum buffer zone(s) listed above.

3.2 ZONING AND LAND USE

Cannabis-related businesses must adhere to any applicable zoning requirements enacted and regulated by cities and organized townships located in the County, if applicable.

3.3 HOURS OF OPERATION

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower potency hemp edibles, and/or hemp-derived consumer products, between the hours of 8:00 a.m. and 9:00 p.m. Monday through Saturday and between 10:00 a.m. and 9:00 p.m. on Sundays.

3.4 ADVERSITING

Cannabis businesses are permitted to erect up to two (2) fixed signs on the exterior of the building or property of the business, unless otherwise limited by local regulations.

SECTION 4. 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-sale consumption of adult-use cannabis.

SECTION 5. TEMPORARY CANNABIS EVENTS

5.1 LICENSE OR PERMIT REQUIRED FOR TEMPORARY CANNABIS EVENTS

5.1.1 LICENSE REQUIRED

A license or permit is required to be issued and approved by the Red Lake County Auditor's Office prior to holding a Temporary Cannabis Event.

5.1.2 REGISTRATION & APPLICATION PROCEDURE

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

5.1.3 APPLICATION SUBMITTAL & REVIEW

The Red Lake County Administrator's Office shall require an application for Temporary Cannabis Events.

- A. An applicant for a retail registration shall fill out an application form, as provided by the Red Lake County Administrator's Office. Said form shall include, but is not limited to: Items required under Section 2.3.2 of this Ordinance.
- B. The applicant shall include with the form:
 - a. The registration fee as required in Section 5.1.2.
 - b. A copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2. The application shall be submitted to the Red Lake County Administrator's Office, or other designee for review. If the designee determines that submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

- C. Once an application is considered complete, the Red Lake County Administrator's Office shall inform the applicant as such and process the application fees. The application will be forwarded to the Red Lake County Zoning Administrator for an Interim Use Permit Application and scheduling for a public hearing before the Red Lake County Planning Commission and for approval or denial.
- D. The application fee shall be non-refundable once processed.
- E. The application for a license for a Temporary Cannabis Event shall meet the following standards:
 - a. Include the nature and purpose of the event, the proposed beginning date and the period during which the event will be conducted, and a detailed statement of the manner in which it will be conducted.
 - b. Include the maximum number of persons which the applicant will permit to assemble on the premises at any time during the event, which number shall be stated as a condition of any permit which may be issued.
 - c. The plans of the applicant to limit and control admission to the premises to the maximum number of persons stated in the permit and for controlling and parking vehicles of persons assembling on the premises.
 - d. Plans for maintenance and security and order on the premises, including the proposed number, deployment, and hours of availability of security guards upon the premises prior to, during, and immediately after the close of the assembly/ The plan must be approved by the Red Lake County Sheriff or designee.
 - e. Plans for the preparation and distribution of food and refreshments upon the premises.
 - f. Plans for medical services, including buildings therefore, the names and hours of availability of physicians and nurses , and provisions for ambulance and other emergency services.
 - g. The application shall be accompanied by a bond in the penal sum of \$25,000 with sureties to be approved by the County of Red Lake conditioned that the permitted party:
 - i. Carries out all of the plans and keeps and performs all of the conditions of the application and permit,
 - ii. Maintain order on the premises,
 - iii. Leave the premises in neat and respectable condition,
 - iv. Indemnify and hold harmless the County of Red Lake, its officers, agents, and employees, from any liability or causes of action arising in any way from the conduct of the assembly, evidenced by a certificate of insurance in the minimum amounts of municipal tort limits and a named additional insured.
 - v. The bond shall provide that any person damaged by the breach of any condition of the bond may maintain an action within ninety (90) days after

the event concludes in their own name to recover their damage, after first giving written notice to the County of Red Lake, or the County of Red Lake may maintain an action in its own name for the benefit of the persons damaged. In the event that approval of the application shall be denied by the County Board of Commissioners, the fee shall be returned.

- vi. If no action has been filed, the bond shall be released ninety (90) days after the event concludes.
- F. A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.
- G. A request for Temporary Cannabis Event that does not meet the requirements of this section shall be denied. The Red Lake County Administrator's Office shall notify the applicant of the standards not met and basis for denial.

SECTION 6. LOWER-POTENCY HEMP EDIBLES

6.1 SALE OF LOW-POTENCY HEMP EDIBLES

The sale of low-potency hemp edibles is permitted, subject to the conditions within this Section.

6.2 ZONING DISTRICTS

Low-potency hemp edible businesses are permitted as a Permitted Use in the following zoning districts:

1. Commercial
2. Agricultural
3. Shoreland

6.3 ADDITIONAL STANDARDS

6.3.1 SALES WITHIN MUNICIPAL LIQUOR STORE

The sale of low-potency edibles is permitted in a Municipal Liquor Store.

6.3.2 Age Requirements

The sale of low-potency hemp edibles is permitted only in places that admit persons 21 years of age or older.

6.3.3 BEVERAGES

The sale of low-potency hemp beverages is permitted in places that meet requirements of this section.

6.3.4 STORAGE OF PRODUCTS

Low-potency edibles shall be sold behind a counter and stored in a locked case.

SECTION 7. LOCAL GOVERNMENT AS A CANNABIS RETAILER

Red Lake County may establish, own, and operate one 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 Section 2.6. Red Lake County shall be subject to all the same retail license requirements and procedures applicable to all other applicants.

SECTION 8. 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.

SECTION 9. ADOPTION

The ORDINANCE TO REGULATE THE USE OF CANNABIS AND CANNABIS DERIVED PRODUCTS is hereby adopted by the Red Lake County Board of Commissioners on the 26th day of May, 2026.

Any prior ordinances in Red Lake County relating to the regulation of use of cannabis and cannabis derived products are hereby repealed and replaced consistent with this ordinance.

SECTION 10. EFFECTIVE DATE

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Adopted and effective this 26th day of May, 2026 by the Red Lake County Board of Commissioners.

RED LAKE COUNTY
By E. Mickelson
Eric Mickelson, Chair Red Lake
County Board of Commissioners

Date: 5-26-26

Kelsey Gervais
Kelsey Gervais
Red Lake County Administrator