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ORDINANCE

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BOARD of COMMISSIONERS
RICE COUNTY, MINNESOTA

ORDINANCE #901
INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A
MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES

The County Board of Rice County Hereby Ordains:

CHAPTER 901

901.01 Statutory Authorization

Minnesota Statutes, section 342.13(e) expressly allows a local unit of government that is conducting studies or has authorized a study to be conducted or has held or scheduled a hearing for the purpose of considering adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses to adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit the operation of Cannabis Businesses within the jurisdiction or a portion thereof until January 1, 2025.

901.02 Definitions

For purposes of this Ordinance, the following terms shall have the meaning given them in this section.

- A. "Act" means 2023 Minnesota Session Laws, Chapter 63 (H.F. No. 100), as amended from time to time.
- B. "Cannabis Business" has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 14, as amended from time to time.
- C. "County" means the County of Rice, Minnesota.
- D. "Edible Cannabinoid Product" has the meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(f), as amended from time to time.
- E. "OCM" means the Office of Cannabis Management, established as set forth in Minnesota Statutes, section 342.02, subdivision. 1, as amended from time to time.
- F. "Ordinance" means this interim ordinance, which is adopted pursuant to Minnesota Statutes, section 342.13(e), as amended from time to time.

901.03 Study Authorized

The County Board hereby authorizes and directs County staff to conduct a study regarding the adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, as well as other potential local regulations allowed under the Act, and report to the County Board on the potential regulation of Cannabis Businesses. The study may include a review of any model ordinances that OCM is directed to draft under Minnesota Statutes, section 342.13(d), an analysis of potential setback regulations allowed under Minnesota Statutes, section 342.13(c), and such other matters as staff may determine are relevant to the County Board's

consideration of this matter. The report may also include County staff's recommendations on whether the County Board should adopt regulations and, if so, the recommended types of regulations.

901.04 Moratorium

A moratorium is hereby imposed on the operation of any Cannabis Business within the unincorporated areas of the County. During the term of this Ordinance, no business, person, or entity may establish or operate a Cannabis Business within the unincorporated areas of the County. Accordingly, during the period that this Ordinance is in effect, the County shall not accept, process, or act on any application, site plan, building permit, zoning request, or other approval, including any requested confirmation, certification, approval, or other request from the OCM or other governmental entity requesting County review of any application or proposal for a business proposing to engage in the operation of a Cannabis Business. During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to establish or operate a Cannabis Business within the unincorporated areas of the County.

901.05 Exceptions

The moratorium imposed by this Ordinance does not apply to:

- (i) the continued operation of a duly established business as part of the Medical Cannabis Program administered by the Minnesota Department of Health that was lawfully operating within the County prior to the effective date of this Ordinance; or
- (ii) the sale of Edible Cannabinoid Products under Minnesota Statutes, Section 151.72, provided, however, that nothing in this Ordinance exempts a business, person, or entity from complying with all other requirements and prohibitions of applicable laws and ordinances related to such exceptions.

901.06 Enforcement

Violation of this Ordinance is a misdemeanor. The County may also enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance may further result in the County reporting violations to the OCM, if relevant to OCM licensing. The County Board hereby authorizes County staff and consultants to initiate any legal action deemed necessary to secure compliance with this Ordinance.

901.07 Severability

Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

901.08 Effective Date and Term

This ordinance shall take effect and be in force after its passage and publication. This Ordinance shall remain in effect until January 1, 2025, or until the County Board expressly repeals it, whichever occurs first.

Dated this 9th day of July, 2024

RICE COUNTY BOARD OF COMMISSIONERS



Galen Malecha, Chairperson

ATTEST:


Sara Folsted, County Administrator