

WABASHA COUNTY ORDINANCE _____

AN EMERGENCY INTERIM ORDINANCE PROHIBITING THE ESTABLISHMENT OF
NEW USES OR THE EXPANSION OF EXISTING USES RELATED TO SALES, TESTING,
MANUFACTURING AND DISTRIBUTION OF CANNABIS PRODUCTS

Section 1. Purpose, Authority, and Findings.

- A. This ordinance is necessary for the immediate preservation of the public peace, health, morals, safety, and welfare because of the inherent risk of injury to persons related to the recent amendments to Minnesota Statute Chapter 152, allowing for the use and possession of cannabis and other products containing THC (“Cannabis Products”). A prohibition on the establishment of new uses or the expansion of existing uses related to the sale of such products is necessary to ensure that Wabasha County has sufficient time to study potential regulations that will protect the health and safety of the residents of the County. Due to recent legislative changes there is insufficient time to complete the ordinary process and procedure for introduction and adoption of a County ordinance.
- B. Minnesota Statute §394.34 provides that if a county is conducting, or in good faith intends to conduct studies within a reasonable time for the purpose of considering adopting an official control or an amendment, extension, or addition to an official control, the board, in order to protect the public health, safety, and general welfare, may adopt as an emergency measure, a temporary interim zoning ordinance. The purpose of the interim ordinance is to provide the county with the opportunity to study its comprehensive plan and official controls so that it can, in a meaningful way, consider potential amendments to its ordinances. An interim ordinance may regulate, restrict, or prohibit any use within the County for a period not to exceed one year from the effective date of the interim ordinance. Many jurisdictions have adopted interim ordinances to study the impacts of certain uses and determine whether regulations are appropriate for the purpose of protecting the public health, safety, and welfare of their citizens.
- C. The County Board believes that authorizing a study regarding the types of uses that involve the sales, testing, manufacturing, and distribution of Cannabis Products is necessary to evaluate the regulatory options available to the County and is for the purpose of protecting the health and safety of county residents.
- D. Due to the effective date of the new legislation, the lack of adequate time to evaluate the situation and enact appropriate controls, and the potential negative impacts on the health, safety, and welfare of its residents, an emergency situation that justifies a temporary interim ordinance exists.

Section 2. Study.

The County Board hereby authorizes and directs County staff to conduct a study of the issues relating to the sales, testing, manufacturing, and distribution of Cannabis Products.

Staff shall make a recommendation to the County Board about whether the County should amend its zoning, business-licensing, or other ordinance provisions related to these types of uses to better protect county residents.

Section 3. Moratorium.

- A. No business, person or entity may establish a new use or expand an existing use that includes or involves the sale, testing, manufacturing, or distribution of Cannabis Products, for a period of up to twelve (12) months from the effective date of this Ordinance or until the Board repeals this Ordinance, whichever occurs first.
- B. During the term of this Ordinance, County staff shall not issue any license or permit, nor will it accept or process any applications for uses related to the sale, testing, manufacturing, or distribution of Cannabis Products.
- C. The moratorium established by this Ordinance does not apply to the sale, testing, manufacturing, or distribution of products that were lawful prior to enactment of the new laws relating to Cannabis Products.

Section 4. Enforcement.

In addition to any criminal penalties allowed by law, the County may enforce this Interim Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also considered a violation of the Wabasha County Zoning Ordinance and shall be subject to the County enforcement pursuant to provisions set forth in Chapter 21 of the Zoning Ordinance.

Section 5. Severability.

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

Section 6.

Effective Date; Duration. Pursuant to Minnesota Statute §375.51, this emergency ordinance shall become effective immediately upon its approval by the Board; however no prosecution based on the provisions of this Ordinance shall occur until the Ordinance has been filed with the County Auditor, unless the person charged with violation had actual notice of the passage of the Ordinance prior to the act or omission complained of. It shall be effective until the earlier of the following events: (a) one year from the effective date of this Ordinance or (b) the date upon which the County Board repeals this Ordinance.