

CARLTON COUNTY

ORDINANCE #40

**Regulate Registration of Cannabis
Businesses**



Adopted: December 11, 2024

**CARLTON COUNTY
ORDINANCE #40**

Regulate Registration of Cannabis Businesses

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THE CARLTON COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

Section 1. Administration

1.1 Findings and Purpose

Carlton County makes the following findings:

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

Carlton County finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Carlton County and that the proposed provisions are in the public interest and for the public good.

1.2 Authority & Jurisdiction

Carlton 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. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

Carlton County townships or incorporated cities may request that Carlton County be the registration authority only through the following procedure:

- a) The jurisdiction submits a letter of interest and a copy of the jurisdiction's cannabis-related zoning ordinances or regulations to the Carlton County Auditor.
- b) The Carlton County Auditor shall review the letter and the jurisdiction's submitted ordinances and regulations.

c) If the Carlton County Auditor agrees to be the registration authority for the jurisdiction, the Carlton County Auditor will provide the jurisdiction with a standard registration opt-in resolution.

d) The jurisdiction must agree to indemnify Carlton County, including all costs and attorney's fees, in the event of any legal action arising from the interpretation or application of the jurisdiction's cannabis-related zoning ordinances or regulations, representations of whether a cannabis business complies or does not comply with the jurisdiction's cannabis-related zoning ordinances or regulations, or the jurisdiction's officer's or employee's negligence with respect to the application of the jurisdiction's zoning ordinances or regulations concerning cannabis.

e) Once the above requirements are completed, the Carlton County Auditor will provide registration on behalf of the local jurisdiction.

Delegating registration authority to Carlton County in such a manner does not opt a jurisdiction into Carlton County zoning.

Jurisdictions delegating registration authority to Carlton County must inform the Carlton County Auditor of any cannabis-related ordinances or regulations passed after delegating registration authority to Carlton County. The Carlton County Auditor has the sole discretion whether to act as the registration authority for a jurisdiction. The Carlton County Auditor also has the discretion to terminate its registration authority for a jurisdiction.

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

Carlton County is 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.

Section 2. Registration of Cannabis Businesses

A city or township can delegate authority for registration to the County. A city or township can still adopt specific requirements regarding zoning,

buffers, and use in public places, provided said requirements are not in conflict with an ordinance adopted under the delegated authority granted to the County.

2.1 Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business within Carlton County without first registering with Carlton 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. Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of 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 retail business registration, Carlton County 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, Carlton 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. If a jurisdiction that has delegated registration authority to Carlton County receives a state license application from OCM, that jurisdiction shall immediately forward the application to the Carlton County Auditor.

2.3 Registration & Application Procedure

2.3.1 Fees.

Carlton County shall not charge an application fee.

A registration fee, as established in Carlton County's 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 Carlton 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.

Carlton 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 Carlton County. Said form shall include, but is not limited to:

- i. Full name and tax ID number of the property owner and applicant;
- ii. Address, email address, and telephone number of the applicant and property owner;
- 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. The registration fee as required in Section 2.3.1;
- ii. A copy of a valid state license or written notice of OCM license preapproval;
- iii. Copy of Worker's Compensation Certificate of Compliance.

C. Once an application is considered complete, the Carlton County Auditor shall inform the applicant as such, process the application fees, and forward the application to the County Board for approval or denial.

D. The application fee shall be non-refundable once processed.

2.3.3 Application Approval

A. 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 Carlton County Zoning Ordinance #27.

B. A state-licensed cannabis retail business application that meets the requirements of this Ordinance and Carlton County Zoning Ordinance #27 shall be approved.

2.3.4 Annual Compliance Checks.

Carlton County shall conduct at minimum one unannounced age verification compliance check at least once per calendar year of every cannabis business with retail registration 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. 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 the local unit of government.

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 Carlton County.

2.4 Renewal of Registration

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

2.4.1 Renewal Fees.

Carlton County Auditor's Office shall charge a renewal fee for the registration starting at the second renewal, as established in Carlton 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 and any additional standards as requested by the Carlton County Auditor's Office.

2.5 Suspension of Registration

2.5.1 When Suspension is Warranted.

Carlton County may suspend a cannabis retail business's registration if it violates the Ordinances of Carlton County or poses an immediate threat to the health or safety of the public. Carlton County shall immediately notify the cannabis retail business in writing the grounds for the suspension.

2.5.2 Notification to OCM.

Carlton County shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide Carlton County and 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. Carlton County may reinstate a registration if it determines that the violation(s) have been resolved, and if OCM determines that the violation(s) have been resolved.

2.5.4 Civil Penalties.

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

Section 3. Temporary Cannabis Events

Any individual or business seeking to obtain a cannabis event license must provide OCM information about the time, location, layout, number of business participants, and hours of operation. A cannabis event organizer must receive local approval, including obtaining any necessary permits or licenses issued by a local unit of government before holding a cannabis event.

3.1 License or Permit Required for Temporary Cannabis Events

3.1.1 License Required.

A license from OCM is required to be issued and registration approved by Carlton County prior to holding a Temporary Cannabis Event.

3.1.2 Registration & Application Procedure

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

3.1.3 Application Submittal & Review.

Carlton County shall require an application for Temporary Cannabis Events.

A. An applicant for a retail registration shall fill out an application form, as provided by Carlton County. Said form shall include, but is not limited to items under Section 2.3.2 of this Ordinance.

B. The applicant shall include with the form:

- i. the registration fee as required in (Section 3.1.2);
- ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

C. The application shall be submitted to the Carlton County Auditor. If the application is deficient with respect to the above requirements, the Carlton County Auditor shall return the application with a notice of the deficiencies.

D. Once an application is considered complete, Carlton County Auditor shall inform the applicant as such, process the registration fees, and forward the application to the Carlton County Sheriff's Department for final approval.

E. The registration fee shall be non-refundable once processed.

F. The application for a license for a Temporary Cannabis Event shall meet the following standards:

- i. Temporary cannabis events shall only be held between the hours allowed by the zoning permit.
- ii. Temporary cannabis events are prohibited in residential districts.
- iii. Temporary cannabis events must comply with the requirements of Carlton County Zoning Ordinance #27.
- iv. Temporary cannabis events must comply with all requirements detailed in MINN. STAT. § 342.40. The application shall include a

detailed plan addressing the requirements of MINN. STAT. § 342.40, subds. 3, 4, 5, 6, 7 and 8.

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 Carlton County Auditor shall notify the applicant of the standards not met and basis for denial.

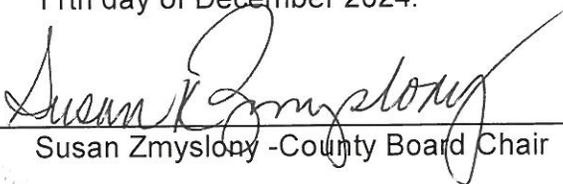
Section 4. Lower-Potency Hemp Edibles and Beverages

Sale of Low-Potency Hemp Edibles and Beverages is permitted with proper registration and subject to the applicable sections of this Ordinance.

Section 5. Effective Date

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

Approved and adopted by the Carlton County Board of Commissioners this 11th day of December 2024.

By 
Susan Zmyslony - County Board Chair



ATTEST: 
Kevin DeVriendt
County Auditor/Treasurer

Published this 20th day of December 2024 Pine Knot News

Published this 19th day of December 2024 Moose Lake Star Gazette

AFFIDAVIT OF PUBLICATION
STATE OF MINNESOTA)
) ss.
COUNTY OF Carlton)

Jana Peterson, being first duly sworn, on oath states as follows: I am the publisher or the authorized agent of the publisher of the newspaper known as the Pine Knot News. I have personal knowledge of the facts stated in this Affidavit. The day of the week and date of the month and year on which the public notice attached was published in the newspaper are as follows:

Friday, Dec. 20, 2024
Ordinance 40, Regulate registration of cannabis businesses, adopted Dec. 11, 2024

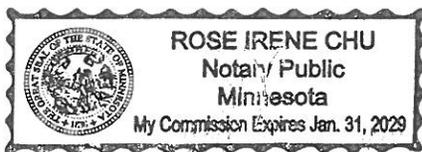
FURTHER YOUR AFFIANT SAITH NOT.



Subscribed and sworn to before me on this 20th day of December 2024.



Notary Public



CARLTON COUNTY
ORDINANCE #40
REGULATE REGISTRATION
OF CANNABIS BUSINESSES
ADOPTED: DECEMBER 11, 2024

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1.1 Findings and Purpose
Carlton County makes the following findings:

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1.2 Authority & Jurisdiction
Carlton County has the authority to adopt this ordinance pursuant to: 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.

Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.

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Carlton County townships or incorporated cities may request that Carlton County be the registration authority only through the following procedure: The jurisdiction submits a letter of interest and a copy of the jurisdiction's

registration authority for a jurisdiction.
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

Carlton County is 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.

Section 2. Registration of Cannabis Businesses

A city or township can delegate authority for registration to the County. A city or township can still adopt specific requirements regarding zoning, buffers, and use in public places, provided said requirements are not in conflict with an ordinance adopted under the delegated authority granted to the County.

Consent to registering of Cannabis Businesses

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Affidavit of Publication

STATE OF MINNESOTA)
) ss.
COUNTY OF CARLTON)

Callie Wasson, being first duly sworn, on oath states as follows:

1. I am the publisher of the MOOSE LAKE STAR GAZETTE, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes 331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes 331A.02.

3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows:

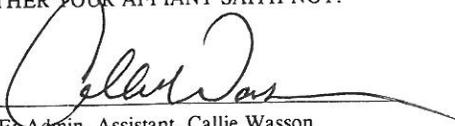
Once a week, for 1 successive week(s): it was first published on every Thursday, the 19th day of December, 2024 and was thereafter printed and published on every Thursday to and including Thursday the 19th day of December, 2024.

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to 331A.06, is as follows:

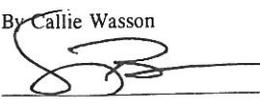
- a) Lowest classified rate paid by commercial users for comparable space \$9.00 per inch
- b) Maximum rate allowed by law for the above matter \$13.50 per inch
- c) Rate actually charged for the above matter \$14.4 per inch

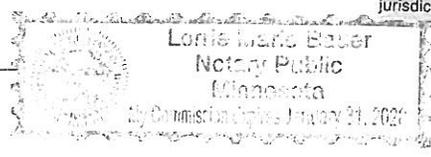
5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes 580.033 relating to the publication of mortgage foreclosure notices. The newspaper's known office of issue is located in Pine County. The newspaper complies with the conditions described in 580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

BY : 
TITLE: Admin. Assistant, Callie Wasson

Subscribed and sworn to before me on this 19th day of December, 2024.

By 
Notary Public



NOTICES

CARLTON COUNTY ORDINANCE #40

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