



POPE COUNTY MINNESOTA

POPE COUNTY ORDINANCE No. 202301

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

WHEREAS, the Pope County Board of Commissioners finds the consideration of an interim ordinance on cannabis-related land use 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 enactment of 2023 Session Laws, Chapter 63, (House File 100), allowing for the use and possession of cannabis and other products containing THC ("Cannabis Products"); and

WHEREAS, the Board finds 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 Pope County has sufficient time to study potential regulations that will protect the health and safety of the residents of the County; and,

WHEREAS, the 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; and,

WHEREAS, due to recent legislative enactments and their effective date, insufficient time to complete the ordinary process and procedure for introduction and adoption of a county ordinance, lack of opportunity to evaluate the potential negative impacts on the health, safety, and welfare of its residents, an emergency situation exists that justifies adoption of a temporary interim ordinance; and,

WHEREAS, Minnesota Statutes section 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, for a period not to exceed one year, for the purpose of proving the County with the opportunity to study its comprehensive plan and official controls and consider potential amendments to its ordinances, which may regulate, restrict, or prohibit any use within the county, and to determine whether regulations are appropriate for the purpose of protecting the public health, safety, and welfare of their citizens; and,

WHEREAS, 2023 Session Laws, Chapter 63, Article 1, Section 13, to be codified as Minnesota Statutes section 342.13, separately and independently permits a governing body of a local unit of government conducting, authorizing, or considering a study with purpose of considering reasonable restrictions on the time, place, and manner of operation of cannabis business to adopt an interim ordinance for the purpose of protecting the planning process and health, safety, and welfare of its citizens, and such ordinance may regulate, restrict, or prohibit the operation of a cannabis business within its jurisdiction until January 1, 2025.

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

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

Section 1. 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 2. 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 during the term of this Ordinance.

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.

Section 3. 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 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 4. 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 5. Effective Date; Duration.

A. Pursuant to Minnesota Statute section 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.

B. Unless earlier repealed by the County Board, this Ordinance shall be effective until the later of the following dates as allowed by law:

(1) Pursuant to the powers granted by 2023 Session Laws, Chapter 63, Article 1, Section 13, or Minnesota Statutes section 324.13, this Ordinance shall be effective through January 1, 2025; or,

(2) Pursuant to Minnesota Statutes section 394.34, this Ordinance shall be effective one year from the effective date of this Ordinance.

ADOPTED by the Pope County Board of Commissioners this 3rd day of October, 2023.

Gordy Wagner, County Board Chair

ATTEST:

Kersten Kappmeyer, County Administrator
Pope County, Minnesota

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