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County Recorder

Benton County MN

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BENTON COUNTY ORDINANCE NO. 496

AN ORDINANCE REGULATING CANNABIS AND LOWER POTENCY HEMP EDIBLE BUSINESSES

The County Board of Benton County hereby ordains:

Section 1. Administration

1.1 Findings and Purpose

The County of Benton makes the following legislative findings:

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

- A. Limiting the number of licensed cannabis retailers, cannabis mezzobusinesses with a retail operations endorsement and cannabis microbusiness with a retail operations endorsement to one registration for every 12,500 residents within the jurisdiction of the County of Benton.
- B. Protecting and promoting the health, safety and general welfare of the citizens and visitors of the County of Benton.
- C. Correcting and educating to prevent conditions that may adversely affect persons utilizing cannabis and lower potency hemp edible retail establishments.
- D. Meeting consumer expectations of the quality and safety of cannabis and lower potency hemp edible retail establishments within the County of Benton.
- E. Establishing inspection requirements and associated procedures involved with administering and enforcing this Ordinance.

Benton County finds and concludes that the proposed provisions are appropriate time, place and manner of operation provisions for the County and that the proposed amendments and proposed provisions are in the public interest and for the public good.

1.2 Authority & Jurisdiction

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

*Benton Co Admin
No Fee*

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- 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.

This Ordinance shall be applicable to the legal boundaries of the County including those areas where the County has been delegated authority for registration through a joint powers agreement.

Several local government units have delegated cannabis retail registration authority to the County. Towns and cities in Benton County that have delegated registration authority may adopt ordinances that are more or less restrictive under Section 3.3 that allow different hours of retail sales of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products for cannabis retailers. Section 4 of this Ordinance shall not apply to cities that have delegated registration authority to the County. Cities will be responsible to regulate their own Temporary Cannabis Events.

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

1.4.1 Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

1.4.2 Cannabis Retail Businesses: A cannabis retailer retail location and the retail location(s) of a cannabis mezzobusiness with a retail operations endorsement, cannabis microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location.

1.4.3 Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product, cannabis concentrate, immature cannabis plants and seedlings, cannabis flower, lower-potency hemp edibles, hemp derived consumer products, and other products authorized by law to a consumer and

not for the purpose of resale in any form.

- 1.4.4 Daycare:** A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
- 1.4.5 Hemp Business.** A hemp business means either of the following licensed under Ch. 342:
 - a. Lower-Potency Hemp Edible Manufacturer
 - b. Lower-Potency Hemp Edible Retailer
 - c. Hemp business does not include a person or entity licensed under Ch. 18K to grow industrial hemp for commercial or research purposes or to process industrial hemp for commercial purposes.
- 1.4.6 Lower-potency Hemp Edible:** As defined under Minn. Stat. 342.01 subd. 50.
- 1.4.7 Lower-potency Hemp Edible Retailer:** Any person, partnership, firm, corporation, or association, foreign or domestic, selling lower-potency hemp edibles to a consumer and not for the purpose of resale in any form.
- 1.4.8 Office of Cannabis Management:** Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
- 1.4.9 Park:**
 - a. any area improved, maintained, operated for recreation and natural resource preservation purposes, and,
 - b. any parkway, zoological or horticultural garden, recreation open space, lake or other waters, golf course, swimming pool, athletic fields, trails and pathways.
- 1.4.10 Preliminary License Approval:** OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
- 1.4.11 Residential Treatment Facility:** As defined under Minn. Stat. 245.462 subd. 23.
- 1.4.12 Retail Registration:** An approved registration issued by the County to a state-licensed cannabis retail business or lower-potency hemp edible retailer.
- 1.4.13 School:** A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
- 1.4.14 State License:** An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis business or hemp business.

1.5 Enforcement

1.5.1 The County Auditor Treasurer is responsible for the administration and compliance with this Ordinance and the applicable law. The Sheriff, Public Health and other designated staff are responsible for enforcement of this Ordinance. The County Auditor Treasurer will work with the Land Services Department, Public Health Department, Sheriff's Office and the local government units that have delegated cannabis retail registration authority to the County to verify compliance with applicable law and ordinances.

1.5.2 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.

1.5.3 Civil Penalties.

Subject to Minn. Stat. 342.22, subd. 5(e) the County may impose a civil penalty, as specified in the County's Fee Schedule, for cannabis microbusiness, cannabis mezzobusiness, cannabis retailer, medical cannabis combination business, or lower-potency hemp edible retailer that make a sale to a customer or patient without a valid retail registration with the County and a valid license with any applicable endorsement from the office. The penalty may not exceed \$2,000 dollars.

(A) For a first violation within a 48-month time period, a \$1,000.00 civil penalty.

(B) For a second violation within a 48-month time period, a \$2,000.00 civil penalty.

(C) Any cannabis microbusiness, cannabis mezzobusiness, cannabis retailer, medical cannabis combination business, or lower-potency hemp edible retailer that make a sale to a customer or patient without a valid retail registration with a local unit of government or a valid license will be prohibited from registering in the County for a two-year period after the last violation.

1.5.3.1 Appeal Process for Civil Penalty

(A) Upon the issuance of a civil penalty, the licensee shall be sent a notice of civil penalty and informed of the licensee's right to appeal. Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of the licensee's right to be heard on the accusation.

(B) **Hearings.** If a licensee is accused of violating 1.5.3 of this ordinance so requests, a hearing shall be scheduled, the time and place of which shall be and provided to the accused violator. The accused licensee must pay the administrative penalty, or request a hearing, in writing, within 30 days of the date the citation was issued. A written request for a hearing shall be made to the Benton County Auditor Treasurer. A hearing fee shall be required as established in the County's fee schedule. If an outside party is

used as the hearing officer, the licensee shall be responsible for the cost of hearing officer, which will be required to be paid prior to the hearing as a hearing officer fee. Failure to pay the fees will act as waiver of the appeal and right to the hearing. If the violation is sustained, the County will retain the fees and costs associated with the hearing officer. If the violation is reversed, the costs shall be refunded to the licensee.

- (C) **Hearing Committee.** The County Board shall appoint a hearing committee or hearing officer, who shall have the authority to review all facts relevant to the alleged violation and the penalty imposed, and sustain, reverse or modify the penalty imposed by the County Board or County official.
- (D) **Decision.** The hearing committee or hearing officer's decision, along with the officer's or committee's reasons for supporting the violation and the penalty to be imposed shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred, such findings shall be recorded and a copy provided to the accused violator.
- (E) **Appeals.** Appeals of any violation and penalty decision made by the hearing committee shall be filed in the Seventh Judicial District Court for Benton County.
- (F) **Continued Violation.** Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

Section 2. Registration of Cannabis Businesses and Low-Potency Hemp Edible Retailer

2.1 Consent to registering of Cannabis Retail Businesses and Low-Potency Hemp Edible Retailer.

No individual or entity may operate a state-licensed cannabis retail business or a low-potency hemp edible retail business within the County without first registering the retail location with the County. A retail registration issued under this Ordinance is valid for one retail location and may not be transferred to another licensee.

Any state-licensed cannabis retail business or a low-potency hemp edible 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 pursuant to Section 1.5.3.

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 or lower-potency hemp edible retailer, the 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, County shall certify on a form provided by OCM whether a proposed cannabis retail business or lower-potency hemp edible retailer, complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code. State license applications will be routed to the Land Services Department. If the County is not the zoning, building code or fire code authority, the Land Services Department will route State license applications to the appropriate local government unit for verification of zoning, building code or fire code compliance.

The County Auditor Treasurer will notify the appropriate local unit of government of a State license application it receives.

2.3 Registration & Application Procedure

2.3.1 Fees.

County shall not charge an application fee.

A registration fee, as established in 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 the 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 Registration Application Submittal.

The County shall issue a retail registration to a state-licensed cannabis retail business or lower-potency hemp edible retailer that adheres to the requirements of Minn. Stat. 342.22. Applications will be considered on a first come first served basis and to be considered it must be a complete application.

(A) An applicant for a retail registration shall fill out a registration application form, as provided by the County. Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant;

- ii. Address, email address, and telephone number of the applicant;
 - 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. Proof that the real property location of the cannabis retail business or lower-potency hemp edible retailer has paid all real property taxes.
- (C) Once an application is considered complete, the County Auditor Treasurer or staff shall inform the applicant as such, process the registration fees, and forward the application to the County Auditor Treasurer for approval or denial.
- (D) If a state issued license is suspended or revoked, the registration will be revoked or suspended.
- (E) The registration fee shall be non-refundable once processed.

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.
- (B) A state-licensed cannabis retail business or lower-potency hemp edible retail business registration 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 or lower-potency hemp edible retail business registration application that meets the requirements of this ordinance shall be approved.

2.3.4 Annual Compliance Checks.

The County shall complete at a minimum one compliance check per calendar year of every cannabis retail business location or lower-potency hemp edible retail business location to assess if the business meets:

- (A) Age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.46,
- (B) Minn. Stat. 342.24, and

(C) Requirements of 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 or lower-potency hemp edible 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 County.

2.4 Renewal of Registration

The County shall renew an annual registration of a state-licensed cannabis retail business or lower-potency hemp edible retail business at the same time OCM renews the cannabis retail business' license or lower-potency hemp edible retail business' license.

A state-licensed cannabis retail business or lower-potency hemp edible retail business shall apply to renew registration on a form established by the County.

A cannabis retail business or lower-potency hemp edible retail business 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. The renewal fee is nonrefundable.

2.4.2 Renewal Application.

The application for renewal of a retail registration shall include, but is not limited to:

(A) 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 or lower-potency hemp edible retail business' registration if it violates the ordinance of the County or poses an immediate threat to the health or safety of the public. The County

shall immediately notify the cannabis retail business or lower-potency hemp edible retail business in writing the grounds for the suspension.

2.5.1.1 Violations

- a. First violation within a 48-month period is a warning letter. Failure to cure the violation within the specified timeframe in the warning letter will be considered a second violation.
- b. Second violation within a 48-month period is a 3-day suspension or until the violation is cured, whichever is later.
- c. Third violation within a 48-month period is a 10-day suspension or until the violation is cured, whichever is later.
- d. Any additional violation after a third violation within a 48-month period will result in a 30-day suspension.
- e. If a violation is deemed an imminent threat to health and safety, a suspension of up to 30 days may be issued on the first violation as determined by the enforcement agent.

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 or lower-potency hemp edible 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 or lower-potency hemp edible retail 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.

The County may reinstate a registration if it determines that the violations have been resolved.

The County shall reinstate a registration if OCM determines that the violation(s) have been resolved.

2.6 Limiting of Registrations

The County shall limit the number of cannabis retailers, cannabis mezzobusinesses with a retail operations endorsement, and cannabis microbusinesses with a retail operations endorsement to no fewer than one registration for a retail location for every 12,500 residents within the area the County is delegated to register cannabis retail businesses.

The County shall limit the number of cannabis retailers, cannabis mezzobusinesses with

a retail operations endorsement, and cannabis microbusinesses with a retail operations endorsement to four (4) retail location registrations within the area the County is delegated to register cannabis retail businesses. This limit shall be subject to an increase if growth in the residential population within the area the County is delegated to register cannabis retail businesses requires an increase of the limit to meet the statutory requirement of one retail location for every 12,500 residents.

This subsection does not apply to lower-potency hemp edible retail businesses, medical combination businesses operating a retail location, or municipal cannabis retail businesses within Benton County, and registrations for these businesses are not included the calculations for registration limits.

Section 3. Time, Place and Manner of Operations Requirements

3.1 Place: Minimum Buffer Requirements

The minimum buffer shall be measured in a straight line from the closest point of the property line of the parcel upon which the cannabis businesses is located to the property line of the parcel from which it must be distanced.

3.1.1 Areas Outside of Cities

The County shall prohibit the operation of a cannabis business within 1,000 feet of a school.

The County shall prohibit the operation of a cannabis business within 500 feet of a day care.

The County shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.

The County shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

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/attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

3.1.2 Areas in Cities

The County shall prohibit the operation of a cannabis retail business within 1,000 feet of a school.

The County shall prohibit the operation of a cannabis retail business within 500 feet of a day care.

The County shall prohibit the operation of a cannabis retail business within 500 feet of a residential treatment facility.

The County shall prohibit the operation of a cannabis retail business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

Pursuant to Minn. Stat. 462.367 subd. 14, nothing in Section 3.1 shall prohibit an active cannabis retail business or a cannabis retail business seeking registration from continuing operation at the same site if a school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

3.2 Manner of Operations

3.2.1 Cannabis Retail Businesses will comply with the Operational Requirements outlined in Minn. Stat. Ch. 342, including but not limited to sections 342.24, 342.27, and 342.32, the Benton County Development Code, Ordinance #477, Benton County Solid Waste Ordinance #471 and other applicable law, as may be amended from time to time.

3.2.2 Cannabis Retail Businesses with a license or endorsement authorizing retail sales are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products to individuals over the age of 21 unless the individual is enrolled in the Registry Program and the cannabis business holds a medical cannabis retail endorsement.

3.3 Time: Hours of Operation

Cannabis businesses with a license or endorsement authorizing retail sales are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 10 a.m. and 10 p.m.

Section 4. Temporary Cannabis Events

4.1 License or Permit Required for Temporary Cannabis Events

4.1.1 *License Required.*

A permit is required to be issued and approved by County prior to holding a Temporary Cannabis Event, "Event." Additional permits and licenses may be required by law from other County Departments or Offices.

4.1.2 *Registration & Application Procedure*

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

4.1.3 *Application Submittal & Review.*

The County shall require an application for Temporary Cannabis Events Permit.

(A) An applicant for an Event permit shall fill out an application form, as provided by the County. Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant;
- ii. Address, email address, and telephone number of the owner and

- applicant;
- iii. The address and legal description of all property upon which the Event is to be held;
 - iv. The applicant shall provide proof of ownership of all property upon which the Event is to be held or provide a notarized statement made upon oath or affirmation by the owner(s) of record of all such property that the applicant has permission to use such property for the purpose of holding an Event;
 - v. The application shall be signed by both the applicant or applicants and the property owner(s) of record.
 - vi. the plans for providing toilet and lavatory facilities including the number, location, type, and means of disposing of waste deposited;
 - vii. the plans for holding, collection, and disposing of solid waste material;
 - viii. the plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of medical personnel;
 - ix. the plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots;
 - x. the plans for security including the number of licensed security personnel, their deployment at the event site, and the staffing levels of licensed security present during the hours of the event operation. If the event hires individuals as employees or independent contractors to provide security, the applicant must provide their names, addresses, and credentials. If the event obtains licensed security personnel from a security contractor, the applicant must provide the name, address, and telephone number for the contractor and the name and telephone number of the person supervising these licensed security personnel;
 - xi. the plans for area traffic control for egress from and exit onto public roads or highways;
 - xii. a scale diagram depicting the location of the facilities listed in this section.
 - xiii. A copy of the Cannabis Event Organizer State License

(B) The permit applicant shall include with the form:

- i. the permit application fee as required in (Section 4.1.2);
- ii. a copy of the OCM cannabis event organizer license application, submitted pursuant to 342.39 subd. 2.

(C) A complete application for an Event permit shall be made in writing to the Board of County Commissioners of Benton County at least 60 days in advance of such event. The application shall be made on forms provided by the Benton County Auditor Treasurer. Upon receipt of the complete application, the Benton County Auditor Treasurer shall inform the

applicant that the application is complete, process the application fee, and forward the application to the clerk of the town board of the township where the Event is to take place, as well as to the Benton County Sheriff, Land Services Director, Public Works Director and Public Health Director. If an applicant foresees issues with the application process, applicant is encouraged to submit the application far in advance of the 60 days for processing. If an incomplete application is submitted, it will be returned to the applicant within 10 business days. It is the applicant's responsibility to submit a timely and complete application.

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

(E) The Event permit application shall meet the following standards:

- i. No permit shall be granted to any person for whom any taxes, assessments or other financial claims of the County are delinquent and unpaid, nor shall any permit be granted for an Event held on any premises on which taxes, assessments or other financial claims of the County are delinquent and unpaid.
- ii. No permit shall be granted for an event that does not comply with section 3.1.1 of this Ordinance.
- iii. The Benton County Auditor Treasurer or staff will inspect the Event 24 hours prior to the event to confirm the applicant's compliance with the applicant's submitted written plan. If the event is not set up in conformance or the requirements of the law are not met, the Benton County Auditor Treasurer will suspend the permit and submit the matter to the Benton County Board of Commissioners.
- iv. The permit may be revoked by the Board of County Commissioners of Benton County at any time after notice and opportunity to be heard is provided to the permittee, contact person or property owner if;
 - a. Any of the conditions necessary for the issuing of or contained in the permit are not complied with, or if any conditions previously met ceases to be complied with; or
 - b. Any condition previously met ceases to be complied with;
or
 - c. Any other provision of this ordinance is violated; or
 - d. Any of the information supplied in the application for license or accompanying documentation is false or misleading.

If the Board of Commissioners finds that the permittee or the permittee's agents knowingly violated the terms and conditions upon which a license was granted, the Board shall have the authority to impose a revocation period of up to 3 years upon the permittee. During this revocation period, the permittee shall be ineligible to obtain an Event permit under this ordinance.

If during the course of the Event for which a permit has been granted hereunder it appears in the judgement of the Benton County Sheriff that there exists an imminent danger of the outbreak of violence, riot or other calamity, or if there are threats or acts of terrorism, threatening the physical health or safety of those in attendance at the assembly, or residents of the community in which the assembly is held, the Sheriff shall be empowered to take whatever action the Sheriff deems such action necessary. Any such suspension by the Sheriff shall be effective immediately and a hearing thereon shall be held before the Board at the earliest opportunity. In the event the Board deems such suspension improper, the permit shall be reinstated, or the permit application fee refunded, whichever action the licensee requests.

- (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 County shall notify the applicant of the standards not met and basis for denial.
- (I) Temporary cannabis events shall not be held at public parks or located within a residential district as defined by the Benton County Development Code, Ordinance No. 477, as amended from time to time.
- (J) Temporary cannabis events shall only be held between the hours of 10 a.m. and 10 p.m.

4.1.4 Operation

4.1.4.1 No tobacco or alcohol shall be allowed at the Event.

4.1.4.2 No camping is allowed at the Event.

4.1.4.3 Retailers shall remove the cannabis product, cannabis concentrate, immature cannabis plants and seedlings, cannabis flower, lower-potency hemp edibles, hemp derived consumer products, and other products authorized by law to a consumer and not for the purpose of resale in any form each day after the close of the Event for the day.

4.1.4.4 The permittee and permittee's agents shall maintain the assembly premises and facilities in a clean, orderly and sanitary condition at all times. The permittee shall be responsible for leaving the premises in a clean, orderly and sanitary condition after the conclusion of the Event.

- 4.1.4.5 No animals shall be permitted on any grounds or facilities except for service animals as provided in Minn. Stat. Ch. 363A. and police dogs under the supervision of licensed peace officers while on duty.
- 4.1.4.6 No fires of any kind shall be permitted on the premises or facilities.
- 4.1.4.7 The Event site shall be enclosed by a fence or barrier (sufficient to prevent ingress or egress except at established gates) completely enclosing the proposed location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the Event grounds, which shall have sufficient entrances and exits to allow easy movement into and out of the Event grounds and provide traffic control onto established public road systems.
- 4.1.4.8 No onsite consumption is allowed.
- 4.1.4.9 Potable water, meeting all federal and state requirements for sanitary quality, sufficient to provide drinking water for the maximum number of people to be gathered at the rate of at least one gallon per person per day.
- 4.1.4.10 The site shall contain no less than four separate enclosed toilets meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be gathered, in accordance with the Minnesota State Board of Health Regulations and Standards. At least two toilets shall be handicap accessible. Based on attendance estimates, the County may require additional facilities.
- 4.1.4.11 The applicant shall maintain the premises in a neat and orderly manner and shall provide a sanitary method of disposing of solid waste which shall comply with Benton County Ordinance 477 and Benton County Ordinance 471, or successor ordinances. The method of disposal shall be designed to be of sufficient size to contain the solid waste production of the maximum number of people to be gathered. The applicant shall submit a written plan to the Benton County Land Services Department, Planning and Zoning for holding, collecting, and removal of all such waste by a licensed hauler at least once each day of the Event, and sufficient trash containers and personnel to perform these tasks. The County shall retain the right to increase the Permitted Premises' solid waste disposal capacity requirement as deemed appropriate. In addition, the applicant shall provide recycling containers for recyclable materials that may be generated at the event.

- 4.1.4.12 The applicant shall provide emergency medical services throughout the hours of the event. A written emergency medical plan is required to address emergency or significant medical problems. The plan should include the name of the health service provider, licensing information and the number of facilities with a listing of emergency equipment on site. Local hospitals and ambulance services shall be notified of the event in writing at least 30 days in advance with the number of estimated attendees. At a minimum, the site shall contain a covered structure, which may include a tent or trailer, attended by at least one medical personnel. The tent shall be heated and/or air conditioned. The tent shall have at least one defibrillator. The medical services plan shall be reviewed by Public Health Director, and the applicant shall amend the medical services plan in accordance with CHS Administrator's recommendations.
- 4.1.4.13 A free off-road parking area sufficient to provide parking space for the maximum number of people to be gathered at the rate of at least one parking space for every four persons shall be available at the site.
- 4.1.4.14 If a roadway will be used for more than ingress or egress to the Event and there will be an anticipated disruption in traffic which may include a partial closure or full closure of a public right-of-way, applicant will be required to obtain permission from the proper right-of-way authority for use of the public right of way in accordance to Minnesota Statutes and regulations and ordinances. Applicant will be required to submit to the Board a resolution adopted by the proper right-of-way authority or, when required, a permit from the proper right-of-way authority.
- 4.1.4.15 All security personnel hired or contracted for shall be at least 21 years of age and present on the licensed event premises at all times that cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products are available for sale or consumption of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products is allowed. The security personnel shall not consume cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products for at least 24 hours before the event or during the event.
- 4.1.4.16 Security and traffic controls which will meet the requirements of local authorities and the Minnesota Department of Public Safety. Such controls shall be approved by the Benton County Sheriff's Office.

- 4.1.4.17 An applicant may be required to increase the amount of licensed security personnel if the Sheriff recommends an increase in personnel.
- 4.1.4.18 Telephone service shall be available to medical and security personnel at the Event site to enable these persons to contact the appropriate authorities in case of an emergency.
- 4.1.4.19 The licensee shall provide fire alarms, extinguishing devices and fire lanes sufficient to meet all applicable state and local regulations which are in effect or may be set forth by Benton County; and sufficient emergency personnel to efficiently operate the required equipment will be provided by the sponsor (compliance will be determined by appropriate local fire chief). Applicant shall notify the local fire chief of the Event 30 days prior to the event;
- 4.1.4.20 All food service must comply with the requirements of the Minnesota Department of Health, law, rules, regulations, and ordinances as amended from time to time. At the time of inspection, a list of special event food and beverage stands operated in compliance with the Minnesota Food Code, as evidenced by a current license by the Minnesota Department of Health and liquor license shall be provided to Benton County Staff;
- 4.1.4.21 At the time of inspection, a list of vendors who will be allowed to sell their products at the Event or who will be anticipated to participate at the Event and a description of those products shall be provided to Benton County Staff;
- 4.1.4.22 All Event facilities, sanitary facilities, medical facilities, parking areas, fences and required safety equipment must be in place and ready for inspection at least 24 hours prior to the scheduled commencement of the Event. The site and facilities must be inspected by representatives of the Benton County Land Services Department Planning and Zoning, Sheriff's Office, Public Health Department, and Public Works Department prior to the commencement of the Event to insure that all requirements of this ordinance are complied with.
- 4.1.4.23 The permittee will comply with Benton County's All Hazards Plan.
- 4.1.4.24 The Event site and facilities shall at all times be maintained in accordance with the permit provisions.

4.1.4.25 Any and all signs placed or erected in connection with the Event shall comply with the requirements of the Benton County Development Code and other applicable law.

4.1.4.26 All premises for which a permit has been granted shall at all times be open to inspection by the County to ensure compliance with the terms and conditions of any permit issued under this Ordinance. It is unlawful for any permittee, or any agent or employee to hinder or prevent any inspection.

4.1.4.27 Applicant shall maintain adequate records verifying compliance with the requirements of this ordinance and shall make the records available for inspection upon request by Benton County staff or representatives.

Section 5. Lower-Potency Hemp Edibles

5.1 Sale of Low-Potency Hemp Edibles

The sale of Low-Potency Edibles is permitted, subject to the conditions within Minnesota Statute Chapter 342 and this Section.

5.2 Additional Standards

5.2.1 Sales within Municipal Liquor Store.

The sale of Low-Potency Edibles is permitted in a Municipal Liquor Store.

5.2.2 Age Requirements.

The sale of Low-Potency Edibles is permitted only in places that admit persons 21 years of age or older.

5.2.3 Beverages.

The sale of Low-Potency Hemp Beverages is permitted in places that meet requirements of this Section.

5.2.4 Storage of Product.

Low-Potency Edibles shall be sold behind a counter and stored in a locked case.

Section 6. Local Government as a Cannabis Retailer


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.

County shall be subject to all same rental license requirements and procedures applicable to all other applicants.

Approved and adopted by the Benton County Board of Commissioners this 19th day of November in the year of 2024.

This ordinance shall be effective upon publication.



~~Jared Gapinski, Chair~~ Edward Popp, Vice-Chair
Benton County Board of Commissioners

ATTEST:



Montgomery Headley
Benton County Administrator