

**Office of the County Recorder
Sherburne County, MN
Doc. No. 972064**

**Certified, filed, and or recorded on
July 23, 2024 3:00 PM**

**Michelle Ashe, County Recorder
By SD Deputy
Fees: \$0.00**



972064

SHERBURNE COUNTY INTERIM ORDINANCE # 278

An interim ordinance authorizing a study and imposing a moratorium on the operation of cannabis businesses

The County Board of Sherburne County Ordains as follows:

Section 1. Purpose, Intent and Statutory Authority

- A.** This Ordinance is adopted by the Sherburne County Commissioners for the purpose of providing sufficient time to complete the study of the application, and impact of the 2023 Minnesota Session Laws Chapter 63 – H.F. No. 100 including enacted Minnesota Statute Chapter 342, and 2024 Minnesota Session Laws Chapter 121 – H.F. No. 4757 including amendments to Minnesota Statute Chapter 342, (hereinafter “Cannabis Legislation”), upon Sherburne County; and to recommend and enact official controls applicable to and in the best interests of the residents health, safety, and welfare as provided for by Minnesota Statutes Chapter 342, and Minnesota Statutes §394.34.
- B.** Cannabis Legislation establishes that the sale of cannabis products are subject to local planning and zoning restrictions, and must comply with local zoning ordinances. Cannabis Legislation provides local units of government, including counties, certain authority to regulate Cannabis Businesses, including: 1) authority to require local registration of Cannabis Businesses and retail establishments, 2) authority to adopt reasonable restriction on time, place, and manner of operation of Cannabis Businesses, 3) authority to limit the number of Cannabis Businesses based on population, and 4) authority to prohibit the operation of Cannabis Businesses within specified distances of schools, day care or residential treatment facilities, or within public parks, athletic fields or playgrounds.
- C.** Pursuant to Minnesota Statute §342.13(e), a local unit of government which is conducting studies or which has authorized a study be conducted or has scheduled or held a hearing to consider the adoption or amendment of reasonable restrictions on time, place and manner of the operation of Cannabis Businesses is authorized to adopt an interim ordinance protection the planning process and the health, safety, and welfare of its citizens. Minn. Stat. §342.13(e) provides specifically that “the interim ordinance may regulate, restrict, or prohibit the operation of Cannabis Businesses within the jurisdiction or a portion thereof until January 1, 2025”.
- D.** The Cannabis Legislation requires the Office of Cannabis Management (hereinafter “OCM”) to work with local units of government to develop model ordinances relating to reasonable restriction on time, place, and manner of operation of Cannabis Businesses. The Cannabis Legislation also requires the OCM to establish additional regulations relating to the operation of Cannabis Businesses. Given the uncertainty regarding the model ordinances, rules and regulations to be developed in a timely manner, given the broad scope of changes brought about by the Cannabis Legislation, given the many obligations and responsibilities placed on the OCM by the Cannabis Legislation, and given the 2024 amendments authorizing preapproval of certain Cannabis Businesses including potential immediate cannabis cultivation, the County desires to adopt an emergency interim

ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.

- E. The County desires time to complete its study for the purpose of considering the adoption or amendment of its comprehensive plan, local planning and zoning restrictions, including reasonable restrictions on the time, place and manner of operation of Cannabis Businesses as well as other regulations local units of government may adopt under the Cannabis Legislation.
- F. After published notice, the Sherburne County Board of Commissions held a public hearing to consider the adoption of this interim ordinance prohibiting the operation of Cannabis Businesses within the County until January 1, 2025, and recommended its adoption.

Section 2. Definitions

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meanings given to them in this section.

- A. "Cannabis Business" has the meaning given the term in Minn. Stat. §342.01, subdivision 14.
- B. "Cannabis Legislation" means 2023 Minnesota Session Laws, Chapter 63 (House File No. 100), Minnesota Statutes Chapter 342, and 2024 Minnesota Session Laws, Chapter 121 (House File No. 4757).
- C. "County" means the County of Sherburne.
- D. "Edible Cannabinoid Product" has the meaning given the term in Minn. Stat. §151.72, subdivision 1(f).
- E. "local unit of government" means a home rule charter or statutory city, county, town, or other political subdivision.
- F. "OCM" means the Office of Cannabis Management, established as set forth in Minn. Stat. §342.02, subdivision 1.
- G. "this Ordinance" means this interim ordinance, which was adopted pursuant to Minn. Stat. §342.13(e).

Section 3. Study Authorized

The County Board of Commissioners hereby authorizes and directs the Sherburne County Planning and Zoning Department 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 Cannabis Legislation, and report to the County Board of Commissioners on the potential regulation of Cannabis Businesses under the Cannabis Legislation. The study must include a review of model ordinances drafted by the OCM pursuant to Minn. Stat. §342.13(d), and analysis of potential setback regulations allowed under Minn. Stat. §342.13(c), and such other matters as staff may determine relevant for consideration by the County Board of Commissioners for the purpose of protection the planning process and the health, safety, and welfare of its citizens. The report shall specifically include recommendations on whether the County Board of Commissioners should adopt regulations and the types of regulations recommended for adoption.

Section 4. Moratorium

A moratorium is hereby imposed regarding the operation of Cannabis Businesses within the unincorporated areas of Sherburne County in which Sherburne County acts as the zoning authority. During the term of this Ordinance, the County shall not accept, process, nor act on any application, site plan, building permit, zoning request, nor any related proposal from any person, or entity. No Cannabis Business may be established or operate during this moratorium unless it was lawfully operating prior to this Interim Ordinance or falls within the exceptions listed in Section 5.

Section 5. Exceptions

The moratorium imposed by this Ordinance does not apply to the continued operation of a Cannabis Business which were 1) lawfully operating within the County as part of the Medical Cannabis Program administered by the Minnesota Department of Health or the OCM, or 2) selling Edible Cannabinoid Products in compliance with Minn. Stat. §151.72 prior to this moratorium. Nothing in this Ordinance exempts a business, person, or entity that is selling Edible Cannabinoid Products from having to comply with all requirements and prohibitions of applicable laws and ordinances.

Section 6. 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 result in the County reporting the violation to the OCM.

Section 7. Duration

This Ordinance shall become effective on the first day of publication after adoption and shall remain in effect until January 1, 2025. This Ordinance may be repealed earlier upon the effective date of an ordinance adopting or amending reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses within the County or by resolution of the County Board of Commissioners terminating this Ordinance prior to the expiration date.

Section 8. Severability

If any section or provision of this Ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

Section 9. Effective Date

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

Approved and adopted by the Sherburne County Board of Commissioners this

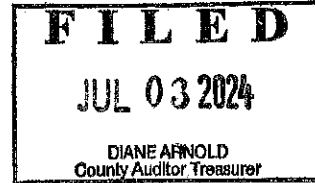
18 day of June in the year of 2024.

Sherburne County Board of Commissioners

Gregg Felber
Gregg Felber (Jun 20, 2024 11:05 CDT)

Gregg Felber, Sherburne County Board Chair

Attested by: Bruce Messelt
Bruce Messelt, Sherburne County Administrator



This ordinance's publication date was 6/29/24.

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
COUNTY OF SHERBURNE) ss

Rhonda Herberg being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

Star News

with the known office of issue being located in the county of:

SHERBURNE

with additional circulation in the counties of:
WRIGHT

and has full knowledge of the facts stated below:

- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 06/29/2024 and the last insertion being on 06/29/2024.

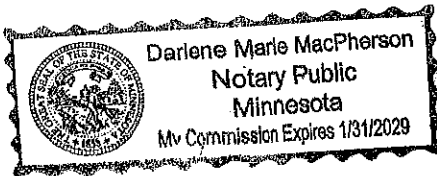
MORTGAGE FORECLOSURE NOTICES Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county 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.

By: _____

Designated Agent

Subscribed and sworn to or affirmed before me on 06/29/2024 by Rhonda Herberg.

Darlene Marie MacPherson
Notary Public



Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:

\$999.99 per column inch

Ad ID 1405436

SHERBURNE COUNTY INTERIM ORDINANCE # 278

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

The County Board of Sherburne County Ordains as follows:

Section 1. Purpose, Intent and Statutory Authority

A. This Ordinance is adopted by the Sherburne County Commissioners for the purpose of providing sufficient time to complete the study of the application, and impact of the 2023 Minnesota Session Laws Chapter 63 – H.F. No. 100 including enacted Minnesota Statute Chapter 342, and 2024 Minnesota Session Laws Chapter 121 – H.F. No. 4757 including amendments to Minnesota Statute Chapter 342, (hereinafter "Cannabis Legislation"), upon Sherburne County; and to recommend and enact official controls applicable to and in the best interests of the residents health, safety, and welfare as provided for by Minnesota Statutes Chapter 342, and Minnesota Statutes §394.34.

B. Cannabis Legislation establishes that the sale of cannabis products are subject to local planning and zoning restrictions, and must comply with local zoning ordinances. Cannabis Legislation provides local units of government, including counties, certain authority to regulate Cannabis Businesses, including: 1) authority to require local registration of Cannabis Businesses and retail establishments, 2) authority to adopt reasonable restriction on time, place, and manner of operation of Cannabis Businesses, 3) authority to limit the number of Cannabis Businesses based on population, and 4) authority to prohibit the operation of Cannabis Businesses within specified distances of schools, day care or residential treatment facilities, or within public parks, athletic fields or playgrounds.

C. Pursuant to Minnesota Statute §342.13(e), a local unit of government which is conducting studies or which has authorized a study be conducted or has scheduled or held a hearing to consider the adoption or amendment of reasonable restrictions on time, place and manner of the operation of Cannabis Businesses is authorized to adopt an interim ordinance protection the planning process and the health, safety, and welfare of its citizens. Minn. Stat. §342.13(e) provides specifically that "the interim ordinance may regulate, restrict, or prohibit the operation of Cannabis Businesses within the jurisdiction or a portion thereof until January 1, 2025".

D. The Cannabis Legislation requires the Office of Cannabis Management (hereinafter "OCM") to work with local units of government to develop model ordinances

relating to reasonable restriction on time, place, and manner of operation of Cannabis Businesses. The Cannabis Legislation also requires the OCM to establish additional regulations relating to the operation of Cannabis Businesses. Given the uncertainty regarding the model ordinances, rules and regulations to be developed in a timely manner, given the broad scope of changes brought about by the Cannabis Legislation, given the many obligations and responsibilities placed on the OCM by the Cannabis Legislation, and given the 2024 amendments authorizing preapproval of certain Cannabis Businesses including potential immediate cannabis cultivation, the County desires to adopt an emergency Interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.

E. The County desires time to complete its study for the purpose of considering the adoption or amendment of its comprehensive plan, local planning and zoning restrictions, including reasonable restrictions on the time, place and manner of operation of Cannabis Businesses as well as other regulations local units of government may adopt under the Cannabis Legislation.

F. After published notice, the Sherburne County Board of Commissioners held a public hearing to consider the adoption of this interim ordinance prohibiting the operation of Cannabis Businesses within the County until January 1, 2025, and recommended its adoption.

Section 2. Definitions

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meanings given to them in this section.

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C. "County" means the County of Sherburne.

D. "Edible Cannabinoid Product" has the meaning given the term in Minn. Stat. §151.72, subdivision 1(f).

E. "local unit of government" means a home rule charter or statutory city, county, town, or other political subdivision.

F. "OCM" means the Office of Cannabis Management, established as set forth in Minn. Stat. §342.02, subdivision 1.

G. "this Ordinance" means this interim ordinance, which was adopted pursuant to Minn. Stat. §342.13(e).

Section 3. Study Authorized

The County Board of Com-

missioners hereby authorizes and directs the Sherburne County Planning and Zoning Department 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 Cannabis Legislation, and report to the County Board of Commissioners on the potential regulation of Cannabis Businesses under the Cannabis Legislation. The study must include a review of model ordinances drafted by the OCM pursuant to Minn. Stat. §342.13(d), and analysis of potential setback regulations allowed under Minn. Stat. §342.13(c), and such other matters as staff may determine relevant for consideration by the County Board of Commissioners for the purpose of protection the planning process and the health, safety, and welfare of its citizens. The report shall specifically include recommendations on whether the County Board of Commissioners should adopt regulations and the types of regulations recommended for adoption.

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Section 5. Exceptions

The moratorium imposed by this Ordinance does not apply to the continued operation of a Cannabis Business which were 1) lawfully operating within the County as part of the Medical Cannabis Program administered by the Minnesota Department of Health or the OCM, or 2) selling Edible Cannabinoid Products in compliance with Minn. Stat. §151.72 prior to this moratorium. Nothing in this Ordinance exempts a business, person, or entity that is selling Edible Cannabinoid Products from having to comply with all requirements and prohibitions of applicable laws and ordinances.

Section 6. 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 result in the County reporting the violation to the OCM.

Section 7. Duration

This Ordinance shall become effective on the first day of publication after adoption and shall remain in effect until January 1, 2025. This Ordinance may be repealed earlier upon the effective date of an

ordinance adopting or amending reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses within the County or by resolution of the County Board of Commissioners terminating this Ordinance prior to the expiration date.

Section 8. Severability

If any section or provision of this Ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

Section 9. Effective Date

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

Approved and adopted by the Sherburne County Board of Commissioners this 18th day of June in the year of 2024.

Sherburne County Board of Commissioners

/s/Gregg Felber,
Sherburne County Board Chair

Attested by:
/s/Bruce Messelt,
Sherburne County Administrator

Published in the
Star News
June 29, 2024
1405436

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) ss
COUNTY OF SHERBURNE

Jodi Johnston being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

Star News

with the known office of issue being located in the county of:

SHERBURNE

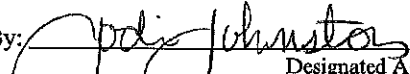
with additional circulation in the counties of:
WRIGHT

and has full knowledge of the facts stated below:

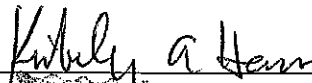
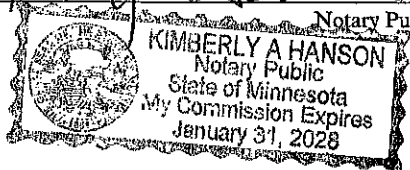
- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 06/08/2024 and the last insertion being on 06/08/2024.

MORTGAGE FORECLOSURE NOTICES

Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: 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.

By: 
Designated Agent

Subscribed and sworn to or affirmed before me on 06/08/2024 by Jodi Johnston.


Notary Public


SHERBURNE COUNTY NOTICE OF INTENT TO CONSIDER ENACTMENT

The Sherburne County Board of Commissioners will be considering the enactment of an Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Operation of Cannabis Businesses on June 18, 2024, at 9:00 a.m. or as soon thereafter as it may be heard at 13880 Business Ctr. Dr. NW, Elk River (Co. Boardroom). The ordinance identifies the need for a moratorium on cannabis businesses until the County can study and implement reasonable restrictions on time, place, and manner of operations of cannabis businesses for the purpose of protecting the planning process and health, safety, and welfare of its citizens. A copy of the proposed Ordinance is on file with the County Auditor/Treasurer, 13880 Business Ctr. Dr. NW, Elk River, M-F (8 to 4:30) or found at www.co.sherburne.mn.us.

Published in the
Star News
June 8, 2024
1399999

Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:

\$999.99 per column inch

Ad ID 1399999

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) ss
COUNTY OF SHERBURNE

Jodi Johnston being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

Star News

with the known office of issue being located in the county of:

SHERBURNE

with additional circulation in the counties of:

WRIGHT

and has full knowledge of the facts stated below:

- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 3 successive week(s); the first insertion being on 05/25/2024 and the last insertion being on 06/08/2024.

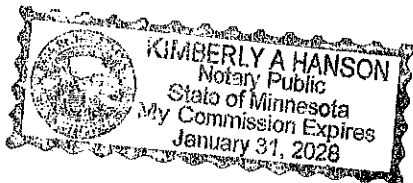
MORTGAGE FORECLOSURE NOTICES

Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: 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.

By: Jodi Johnston
Designated Agent

Subscribed and sworn to or affirmed before me on 06/08/2024 by Jodi Johnston.

Kimberly A Hanson
Notary Public



Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:

\$999.99 per column inch

Ad ID 1398193