

SCOTT COUNTY ORDINANCE 33

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

Section 1. Purpose, Authority, and Findings.

- A. This ordinance is necessary for the immediate preservation of the public peace, health, morals, safety, and welfare because of the inherent risk of injury to persons related to the recently legalized sale of edible cannabinoid products containing Tetrahydrocannabinol (THC). 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 the County has sufficient time to study potential regulations that will protect the health and safety of the residents of Scott County. Due to recent legislative changes that are already effective, there is insufficient time to complete the ordinary process and procedure for introduction and adoption of a County ordinance.
- B. The Minnesota Legislature recently amended Minnesota Statute §151.72 relating to the sale of certain cannabinoid products. The new law permits the sale of edible cannabinoid products, provided that a product sold for human or animal consumption does not contain more than 0.3% of tetrahydrocannabinol and an edible cannabinoid product does not contain an amount of any tetrahydrocannabinol that exceeds more than five milligrams of any tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any tetrahydrocannabinol per package ("THC Products"). Sales of THC Products became legal on July 1, 2022.
- C. The new law allows sales and establishes some labeling and testing requirements, but it does not establish any licensing criteria or parameters for compliance by retailers. The new law does not prohibit local regulation.
- D. Minnesota Statute §394.34 provides that if a county is conducting, or in good faith intends to conduct studies within a reasonable time for the purpose of considering adopting an official control or an amendment, extension, or addition to an official control, the board, in order to protect the public health, safety, and general welfare, may adopt as an emergency measure, a temporary interim zoning ordinance. The purpose of the interim ordinance is to provide the county with the opportunity to study its comprehensive plan and official controls so that it can, in a meaningful way, consider potential amendments to its ordinances. An interim ordinance may regulate, restrict, or prohibit any use within the County for a period not to exceed

one year from the effective date of the interim ordinance. Many jurisdictions have adopted interim ordinances to study the impacts of certain uses and determine whether regulations are appropriate for the purpose of protecting the public health, safety, and welfare of their citizens.

- E. The County Board believes that authorizing a study regarding the types of uses that involve the sales, testing, manufacturing, and distribution of THC 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.
- F. Due to the effective date of the new legislation, the lack of adequate time to evaluate the situation and enact appropriate controls, and the potential negative impacts on the health, safety, and welfare of its residents, an emergency situation that justifies a temporary interim ordinance exists.

Section 2. Study. The County Board hereby authorizes and directs County staff to conduct a study of the issues relating to the sales, testing, manufacturing, and distribution of THC Products. Staff shall make a recommendation to the County Board about whether the County should amend its zoning, business-licensing, or other ordinance provisions related to these types of uses to better protect county residents.

Section 3. Moratorium. In accordance with the findings set forth above, a moratorium is established as follows:

- 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 THC Products, for a period of up to twelve (12) months from the effective date of this Ordinance or until the Board repeals this Ordinance, whichever occurs first.
- B. During the term of this Ordinance, County staff will 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 THC Products.
- C. The moratorium established by this Ordinance does not apply to the sale, testing, manufacturing, or distribution of products that were lawful prior to enactment of the new law relating to THC Products.

Section 4. Enforcement. In addition to any criminal penalties allowed by law, the County may enforce this Interim Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also considered a violation of Scott County Zoning Ordinance No. 3, and shall be subject to the County enforcement pursuant to provisions set forth in Section 2-13 of the Zoning Ordinance.

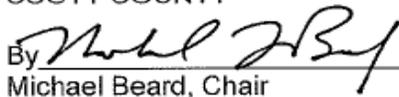
Section 5. Severability. Every section, subsection, provision, or part of this Ordinance is declared severable from every other section, subsection, provision, or part. If any section,

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

Section 6. Effective Date; Duration. Pursuant to Minnesota Statute §375.51, this emergency ordinance shall become effective immediately upon its approval by the Board; however no prosecution based on the provisions of this Ordinance shall occur until the Ordinance has been filed with the County Auditor, unless the person charged with violation had actual notice of the passage of the Ordinance prior to the act or omission complained of. It shall be effective until the earlier of the following events: (a) one year from the effective date of this Ordinance or (b) the date upon which the County Board repeals this Ordinance.

Adopted this 6th day of September 2022, by the Scott County Board of Commissioners

SCOTT COUNTY

By 
Michael Beard, Chair
Scott County Board of
Commissioners

Date: Sept 13, 2022

Attest: 
Lezlie Vermillion
Scott County Administrator

Date: 9-13, 2022