



STEELE COUNTY BOARD OF COMMISSIONERS WORK SESSION AGENDA

Administration Center - 630 Florence Avenue – Owatonna, MN 55060

*Steele County's Mission:
Driven to deliver quality services in a respectful and fiscally responsible way.*

TUESDAY, NOVEMBER 12, 2024 at 4:00 PM
County Boardroom, Steele County Administration Center

Agenda

1. Call to Order
2. Memorandum of Agreement with the University of MN-Extension for 2025-27: Review of options
3. CSAH 28 – Beaver Lake Park project update
4. Letter of support for regional rail planning
5. Amendments to the Steele County Tobacco, Tobacco Related Ordinances #26 & #39 and Smoke Free Grounds Policy.
6. Ordinance – Cannabis Public Use
7. Ordinance - Regulating Cannabis Businesses
8. Continued discussion regarding housing policy (if time permits)
9. Other Business

Adjourn

Disclaimer: This agenda has been prepared to provide information regarding an upcoming meeting of the Steele County Board of Commissioners. This document does not claim to be complete and is subject to change.



Steele County Agenda Item

Request for Board Action

Subject: Request to approve Memorandum of Agreement with University of MN-Extension for 2025-27

Department: Extension

Committee: Internal Central Services

Committee Meeting Date: November 6, 2024

Work Session Date: November 12, 2024

Board Meeting Date: November 12, 2024

Consent Agenda: ☐ Yes ☒ No

Resolution: ☐ Yes ☒ No

Policy Committee Recommendation:

Complete with recommended staffing option after ICS meeting

Recommendation:

Approval of the 2025-27 Memorandum of Agreement with University of Minnesota-Extension

Background (*Including Budget Impact*):

The Association of Minnesota Counties Extension subcommittee drafted and recommended approval of the 2025-27 agreement between the Regents of the University of Minnesota and Minnesota counties. Under the terms of the agreement, Extension will provide local programming for counties, and in return counties will pay the full cost of employing Extension staff. The agreement would be in effect from Jan. 1, 2025, until Dec. 31, 2027. The funds counties pay cover employees' salary, benefits and other direct costs such as travel (mileage, meals, and lodging) and training. During the next three years (2025-2027), on average, funds received from counties will be used as follows: on average, salaries and fringe (95%), and other direct expenses (5%).

The Steele County Board requested options to consider for staffing the Extension department.

- Option A: In June 2024, the Steele County Extension Committee provided a budget recommendation to the County Board to approve the 2025-27 agreement with the same staffing level as 2024.
- Option B: In October 2024, Lisa Dierks, Regional Director for UMN Extension, provided a budget recommendation to eliminate the part time administrative support position due to

inconsistent workload for the position, effective 10/31/24. Workload of the position would be absorbed by current staff, engaging volunteers when appropriate or may result in modification of program offerings based upon capacity.

- Option C: In consultation with youth development staff, Lisa Dierks has provided an additional budget recommendation that includes elimination of part time administrative support and decrease summer youth development program staff which will result in discontinuation of summer outreach programs in Blooming Prairie and several sites in Owatonna including the 4-H on Wheels program. The requested level of summer staffing would support the programming for 2 days camps and 2-3 project workshops with the remainder of staffing hours used to support preparations for 4-H activities at the Steele County Fair.
- Option D: After discussion at the Internal Central Services 11/6/24 meeting an additional option with a 3% increase was drafted. This recommendation includes the changes in Option C along with additional decreases in the summer coordinator staff model. Impact to programming would be Option C as well as changes to programming associated with the Steele County Fair.

Attachments:

Attachment 1: Steele Extension Budget Options Actual Cost – PDF

	2024 Budget		Option A Staffing same as 2024		Option B No Part time Administrative Support		Option C No Part time Administrative support and reduce summer staffing/programs		Option D Adjust to be at 3%	
Position	FTE	Cost	FTE	Cost	FTE	Cost	FTE	Cost	FTE	Cost
Youth Development Educators	2	161296	2	200000	2	200000	2	200000	2	200000
Agriculture Educators	0.5	44543	0.5	50000	0.5	50000	0.5	50000	0.5	50000
Master Gardener Coordinator	0.35	28227	0.35	29750	0.35	29750	0.35	29750	0.35	29750
Administrative Support	0.5	32001	0.5	41106	0	0	0	0	0	0
Summer Intern	400	6288	400	9024	400	9024	320	7219	320	7219
Summer Coordinators	668	14028	668	16326	668	16326	515	12587	325	7943
Total		286383		346206		305100		299556		294912
% over 2024 Budget				20.89%		6.54%		4.60%		2.98%



Steele County Agenda Item

Informational

Subject: CSAH 28 – Beaver Lake Park project update

Department: Highway

Committee: Public Works

Committee Meeting Date: NA

Work Session Date: November 12, 2024

Board Meeting Date: November 12, 2024

Purpose:

To provide an update on the status of the CSAH 28-Beaver Lake construction project.

Background:

Steele County is finalizing plans for a project that will reconstruct CSAH 28 from Beaver Lake Road N. to Beaver Lake Road S. and make improvements to Beaver Lake Park and boat launch.

The project will need to acquire additional right of way and easements on an estimated 13 parcels. Delays in obtaining title searches and completing appraisals have set back the acquisition process timeline. Appraisals are currently not expected to be completed, reviewed, and approved until December or later, so offers will not be presented to property owners until after. Property owners are then given 60 days to consider offers to purchase, but that doesn't include time that they may have their own appraisals completed.

The project was scheduled to be constructed in 2025. Due to the delays in the acquisition process, the land acquisition will not be completed before the project must be let for bidding for the 2025 construction season. Staff is reevaluating the schedule for construction in 2026.

At the October 22 Board Meeting, staff requested starting eminent domain process while negotiating with property owners to keep the project on schedule, but that request was tabled in order to allow negotiations to start. Now with negotiations not expected to start soon and with owners needing time to consider offers, staff recommends that the request to adopt a resolution authorizing acquisition by expedited ("quick take") eminent domain proceeding for the project be withdrawn at this time. Because the request is on the board's agenda for action, staff recommend that the Board does not move the resolution so then the action fails due to a lack of motion.

Financial Impacts:

The grants awarded for the project may be at risk as they are due to expire before the project will now be completed. Staff is working on extending grant expiration dates and redoing agreements. This project that was approved in the 2025-2029 Capital Improvement Plan will not be included in the 2025 budget. Staff recommends that the CSAH 28 (TH 30 to CSAH 21) rehabilitation project scheduled for 2026 is included in the 2025 budget in its place.

Attachments:

NA



Steele County Agenda Item

Request for Board Action

Subject: Letter of support for regional rail planning

Department: Administration Office

Committee: Choose an item.

Committee Meeting Date: Enter a date.

Work Session Date: November 12, 2024

Board Meeting Date: November 12, 2024

Consent Agenda: ☐ Yes ☒ No

Resolution: ☐ Yes ☐ No

Policy Committee Recommendation:

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Recommendation:

Commissioner Krueger and Renae recommend that the board re-affirm its support of the 2015 regional rail plan and request support for the including of the DM&E rail line that connects Mankato and Winona and authorize Renae to sign the attached on behalf of the board.

Background (*Including Budget Impact*):

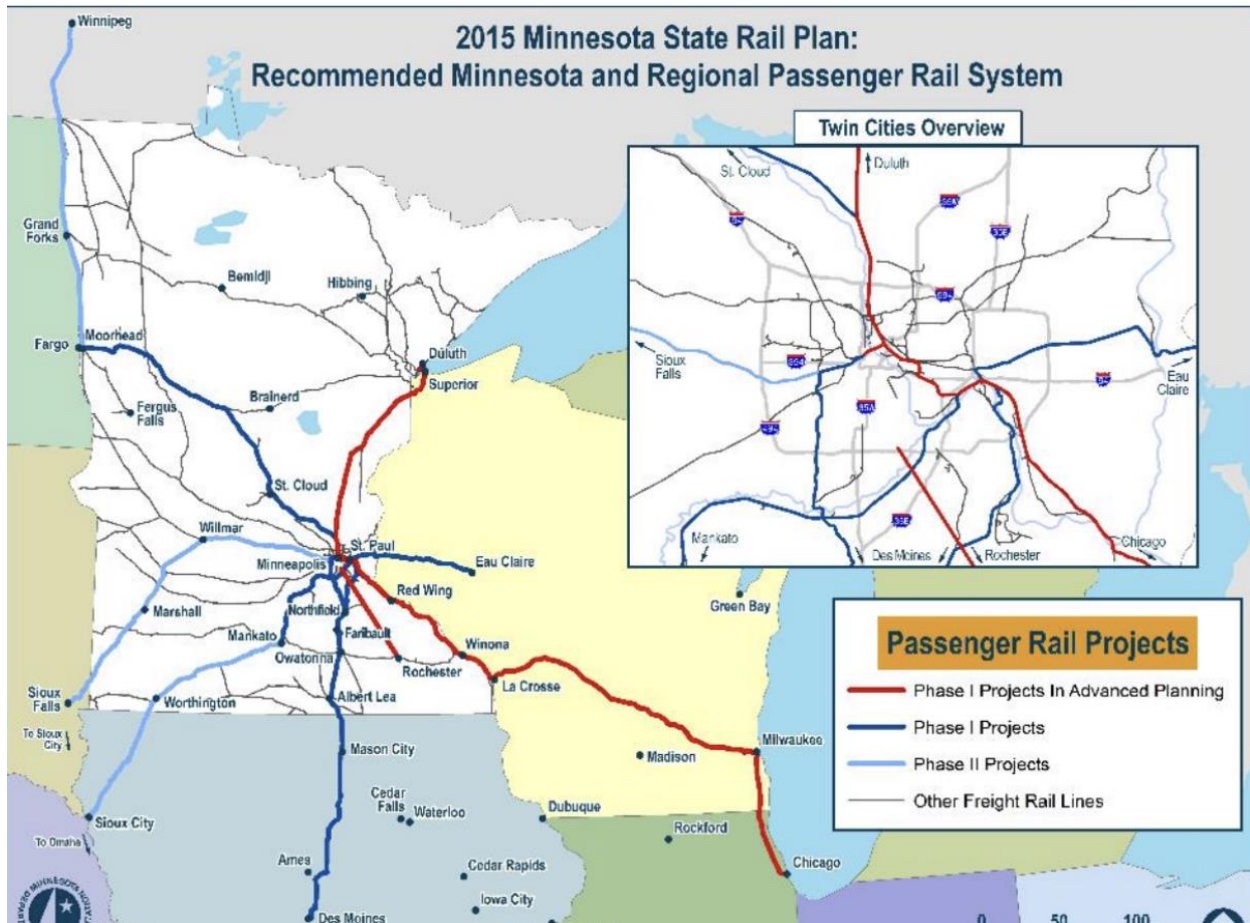
Commissioner Krueger recently attended the regional leaders' discussion of the 2015 State Rail Plan and passenger rail projects designated for southern Minnesota. Renae followed up with the organizer to gain additional information about the federal funding available and the benefits of a letter of support. The feds have advance appropriated \$66B for rail infrastructure. The rail planning committee is requesting that we contact the Commissioner of the Department of Transportation asking for continued prioritized Phase 1 passenger rail designation of the Twin Cities-Albert Lea and Twin Cities-Mankato Corridors and the introduction of a Phase 1 passenger rail designation for the existing east-west (Canadian Pacific/DM&E) rail line that connects the Mankato and Albert Lea Corridors that further connects Southern Minnesota communities including Waseca, Rochester/DMC Mayo Clinic and Winona, as well as to the existing Amtrak Service that is already available at Winona).

Attachments:

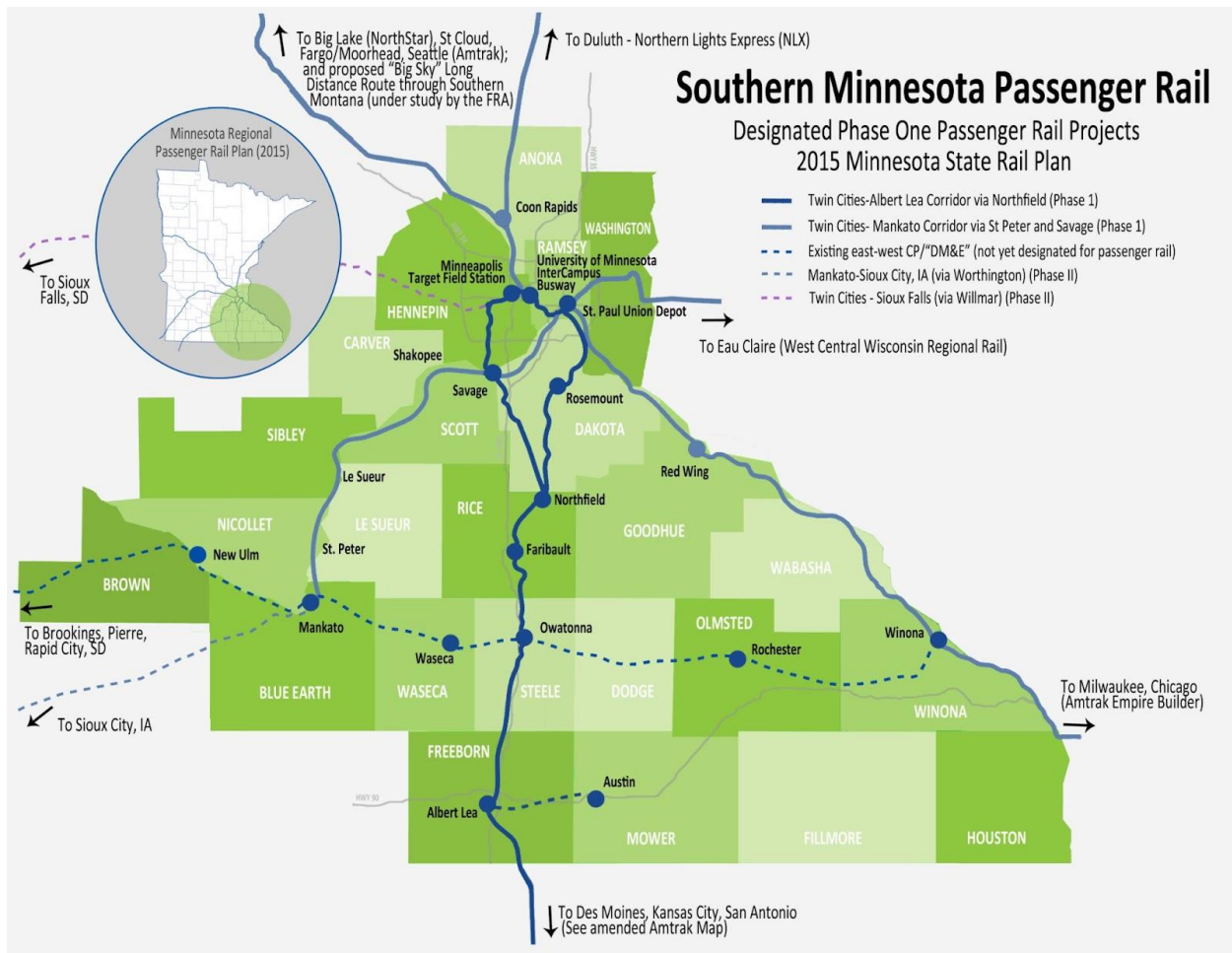
See below for rail maps showing the Current Phase 1 project, the route of the proposed DM&E line, and the proposed letter of support.

Map 1: the 2015 State Rail Plan Map

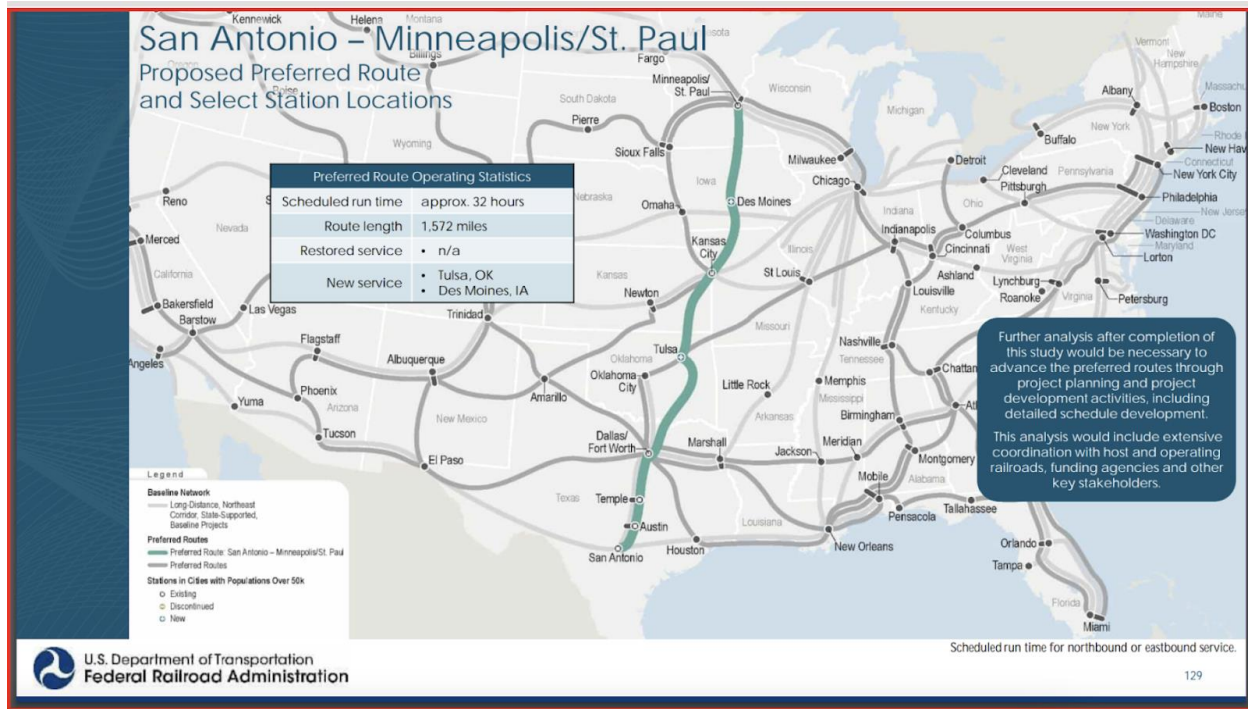
Note: the proposed Rochester “Zip Rail” project (shown below) has since been “tabled indefinitely” by MnDOT



Map 2: Southern Minnesota Passenger Rail : this map shows the potential network of passenger rail service that results from designating the CP/DM&E as a passenger rail corridor.



Map 3: FRA Map of the Twin Cities-SanAntonio Corridor (ia Albert Lea): a “Preferred Route” for potential addition to the National Amtrak Network (2024 FRA Long Distance Route Study)]



November 13, 2024

Nancy Daubenberger, Commissioner
Minnesota Department of Transportation
395 John Ireland Boulevard, Mailstop 100
St. Paul, MN 55155-1899

Dear Commissioner Daubenberger:

I am writing on behalf of Steele County to renew the county's support for the continued prioritization of the Twin Cities-Albert Lea and Twin Cities-Mankato passenger rail corridors as Phase 1 Projects in the 2025 State Rail Plan; and to request that your department introduce a passenger rail designation for the existing east-west Canadian Pacific/former "DM&E" rail line that connects the Mankato and Albert Lea Corridors in Southern Minnesota, and affords the opportunity to extend passenger rail service to Southern Minnesota cities including Waseca, Rochester/Mayo Clinic/DMC and Winona.

Re-introducing passenger service on *existing* rail lines:

1. supports Minnesota communities in the competition to attract and retain new business investment, employers and employees;
2. helps state and municipal highway/road budgets go farther by reducing vehicular wear and tear on Minnesota's roadways;
3. is a prudent use of existing rail infrastructure (*let's make use what we have*); and
4. reduces highway vehicular traffic congestion! Rail lines can absorb the mobility needs of anticipated population growth more easily than highways (e.g. I-35, H14 and H169)! . . . *It's easier (and far less expensive) to add a rail car to a train, than to build an additional lane onto an existing roadway!*

We congratulate your Department on the progress that the State Rail Office has made in the implementation of other Phase 1 passenger rail projects designated in the 2015 Rail Plan over the last decade. With those well underway, we urge you to make the reintroduction of passenger rail service for Southern Minnesota a priority for the coming decade.

Thank you for your consideration.

Renae Fry
Steele County Administrator



Steele County Agenda Item

Request for Board Action

Subject: Amendments to the Steele County Tobacco, Tobacco Related Ordinances and Smoke Free Policy

Department: Administration Office

Committee: Choose an item.

Committee Meeting Date: Enter a date.

Work Session Date: November 12, 2024

Board Meeting Date: Enter a date.

Consent Agenda: ☐ Yes ☐ No

Resolution: ☐ Yes ☐ No

Policy Committee Recommendation:

n/a

Recommendation:

Approve Amendments to Steele County Ordinances related to the use of tobacco (Numbers 26 and 39) and approve the revised smoke free policy.

Hold a Public Hearing on December 12, 2024 at 5:15 p.m. or as soon thereafter as the matter may be heard to receive testimony from all interested parties on the attached ordinances and smoke free policy.

Background *(Including Budget Impact)*:

The proposed amendments to the tobacco related ordinances were presented to the board at its February 27, 2024 meeting, but no further action was taken. The public use prohibition raised questions related to the use of tobacco products on the Steele County Free Fair grounds as well as areas adjacent to the 4 Seasons arena. Following several discussions with staff the fair general manager, it was agreed that a strict prohibition would not be advisable on the fairgrounds, but all involved in the discussions agreed that the areas in which tobacco use would be allowed need to be clearly defined and signage should be added to clearly identify the smoking/vaping permitted areas and that signage be added to the remainder of the grounds indicating that tobacco smoking and vaping and cannabis use are prohibited.

These draft documents are being provided to you again ahead of the public hearing on the amendments to the two ordinances and smoke free policy. The public hearing is tentatively planned for the December 12, 2024 board meeting.

Attachments:

List each of the attachments to be included with the agenda item. If no attachments, list “N/A”

Revised Steele County Smoke-Free Policy

Amended Ordinance No. 39 Prohibiting Smoking in Public Places and Places of Work

Amended Ordinance No. 26 Steele County Tobacco Ordinance

Ordinance Number 26

ORDINANCE REGULATING THE SALE OF TOBACCO PRODUCTS

The County Board of Steele County Ordains:

Section 1. Findings of Fact, Purpose, and Jurisdiction.

Section 2. Definitions.

Section 3. License.

Section 4. Fees.

Section 5. Basis for Denial of License.

Section 6. Prohibited Sales.

Section 7. Responsibility.

Section 8. Compliance Checks and Inspections.

Section 9. Prohibited Furnishing or Procurement.

Section 10. Violations and Penalties.

Section 11. Exceptions and Defenses.

Section 12. Severability and Savings Clause.

Section 13. Effective Date.

Section 1. Findings of Fact, Purpose, and Jurisdiction.

101. Findings of Fact.

Whereas, the sale of commercial tobacco, tobacco-related devices, electronic smoking devices, and nicotine or lobelia delivery products to persons under the age of 21 violates both state and federal laws; and

Whereas, studies have shown that youth use of any commercial tobacco products has increased to 26.4% in Minnesota, nearly 90% of smokers begin smoking before they have reached the age of 18 years, and that almost no one starts smoking after age 25; and

Whereas, commercial tobacco use has been shown to be the cause of many serious health problems which subsequently place a financial burden on all levels of government; and

Whereas, studies show that youth and young adults are especially susceptible to commercial tobacco product availability, advertising, and price promotions in tobacco retail environments.

In making these findings, the Steele County Commissioners accept the conclusions and recommendations of: the U.S. Surgeon General reports, *E-cigarette Use Among Youth and Young Adults* (2016), *The Health Consequences of Smoking – 50 Years of Progress* (2014), and *Preventing Tobacco Use Among Youth and Young Adults* (2012); the Centers for Disease Control and Prevention in their studies *Tobacco Use Among Middle and High School Students – United States 2011-2015* (2016), and *Selected Cigarette Smoking Initiation and Quitting Behaviors Among High School Students, United States 1997* (1998); and of the following scholars in these scientific journals: Chen, J. & Millar, W.J. (1998). Age of smoking initiation: implications for quitting. *Health Reports*, 9(4), 39-46; D’Avanzo, B., La Vecchia, C., & Negri, E. (1994). Age at starting smoking and number of cigarettes smoked. *Annals of Epidemiology*, 4(6), 455-459; Everett, S.A., Warren, C.W., Sharp, D., Kann, L., Husten, C.G., & Crossett, L.S. (1999). Initiation of cigarette smoking and subsequent smoking behavior among U.S. high school students. *Preventative Medicine*, 29(5), 327-333; Giovino, G.A. (2002). Epidemiology of tobacco use in the United States. *Oncogene*, 21(48), 7326-7340; Khuder, S.A., Dayal, H.H., & Mutgi, A.B. (1999). Age at smoking onset and its effect on smoking cessation. *Addictive Behaviors*, 24(5), 673-677; Luke, D.A., Hammond, R.A., Combs, T., Sorg, A., Kasman, M., Mack-Crane, A., & Henricksen, L. (2017). Tobacco town: computational modeling of policy options to reduce tobacco retailer density. *American Journal of Public Health*, 107(5), 740-746; Minnesota Department of Health (2018). Data highlights from the 2017 Minnesota Youth Tobacco Survey. Saint Paul, MN; Tobacco Control Legal Consortium. (2006). *The verdict is in: findings from United States v. Phillip Morris. The hazards of smoking.* University of California—San Francisco. Truth Tobacco Industry Documents; Xu, X., Bishop, E.E., Kennedy, S.M., Simpson, S.A., & Pechacek, T.F. (2015). Annual healthcare spending attributable to cigarette smoking: an update. *American Journal of Preventative Medicine*, 48(3), 326-333., copies of which are adopted by reference.

102. **Purpose.** Accordingly, the Steele County Commissioners find and declare that the purpose of this Ordinance is to: (1) regulate the sale of commercial tobacco, tobacco-related devices, electronic smoking devices, and nicotine or lobelia delivery products for the purpose of enforcing and furthering existing laws, (2) protect youth and young adults against the serious health effects associated with use and initiation of these products, and (3) further the official public policy of the state to prevent young people from starting to smoke as stated in Minn. Stat. § 144.391, as it may be amended from time to time.

103. **Jurisdiction.** Pursuant to Minn. Stat. § 145A.04-.05, this Ordinance shall apply throughout all unincorporated areas of Steele County in conformance with the minimum requirements of Minn. Stat. § 461 governing the licensing and regulation of the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products. Nothing in this Ordinance shall prevent other local levels of government within Steele County from adopting more stringent measures. Retail establishments licensed by a city or township are not required to obtain a second license for the same location under this Ordinance.

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 ascribed to them except where the context clearly indicated a different meaning:

- (a) **Child-resistant packaging.** “Child-resistant packaging” shall mean any packaging that meets the definition set forth in Code of Federal Regulations, title 16, section 1500.15(b) as in effect on January 1, 2015, when tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2015.
- (b) **Cigar.** “Cigar” shall mean any roll of tobacco that is wrapped in tobacco leaf or in any other substance containing tobacco, with or without a tip or mouthpiece, which is not a cigarette as defined in Minn. Stat. 297F.01, subd. 3, as it may be amended from time to time.
- (c) **Compliance checks.** “Compliance checks” shall mean the system by which the County investigates and ensures that those authorized to sell licensed products are following and complying with the requirements of this Ordinance. Compliance checks may also be conducted by the County or other units of government for educational, research, and training purposes as authorized by state and federal laws. Compliance checks may be conducted by other units of government for the purpose of investigating or enforcing appropriate tribal, federal, state, or local laws and regulations relating to licensed products.
- (d) **Delivery sale.** “Delivery sale” shall mean the sale of any licensed product to any person for personal consumption and not for resale when the sale is conducted by any means other than an in-person, over-the counter sales transaction in a licensed retail establishment. Delivery sale includes but is not limited to the sale of any licensed product when the sale is conducted by telephone, other voice transmission, mail, the internet, or app-based service. Delivery sale includes delivery by licensees or third parties by any means, including curbside pick-up.
- (e) **Electronic smoking device.** An “electronic smoking device” shall mean any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic smoking devices include, but are not limited to devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, vapes, mods, tank systems, disposables, or under any other product name or descriptor. Electronic smoking devices include any component part of a product, whether or not marketed or sold separately. Electronic smoking devices do not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.
- (f) **Imitation tobacco product.** An “imitation tobacco product” shall mean any edible non-tobacco product designed to resemble a tobacco product or any non-edible tobacco product

designed to resemble a tobacco product and intended to be used by children as a toy. Imitation tobacco products include but are not limited to candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, and shredded beef jerky in containers resembling tobacco snuff tins. Imitation tobacco products do not include electronic delivery devices or nicotine or lobelia delivery products.

- (g) **Indoor area.** “Indoor area” shall mean all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A standard window screen (0.011 gauge with an 18 by 16 mesh count) is not considered a wall.
- (h) **Licensed product.** “Licensed product” refers to any tobacco, tobacco-related device, electronic smoking device, or nicotine or lobelia delivery product.
- (i) **Loosies.** “Loosies” shall mean single or individually packaged single cigarettes, cigars, and any other licensed products that have been removed from their original retail packaging and offered for sale. Loosies do not include individual cigars with a retail price, after any discounts are applied and before any sales taxes are imposed, of at least \$4.00 per cigar. Loosies do not include premium cigars that are hand-constructed, have a wrapper made entirely from whole tobacco leaf, and have a filler and binder made entirely of tobacco, except for adhesives or other materials used to maintain size, texture, or flavor.
- (j) **Moveable place of business.** A “moveable place of business” shall refer to any form of business operated out of a truck, van, automobile, kiosk, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for over-the-counter sales transactions.
- (k) **Nicotine or lobelia delivery product.** “Nicotine or lobelia delivery product” shall mean any product containing or delivering nicotine or lobelia, whether natural or synthetic, intended for human consumption, or any part of such a product that is not tobacco or an electronic delivery device as defined in this section. Nicotine or lobelia delivery products do not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.
- (l) **Pharmacy.** “Pharmacy” shall mean a place of business at which prescription drugs are prepared, compounded, or dispensed by or under the supervision of a pharmacist and from which related clinical pharmacy services are delivered.
- (m) **Retail establishment.** “Retail establishment” shall mean any place of business where licensed products are available for sale to the public. Retail establishments shall include but not be limited to grocery stores, tobacco product shops, convenience stores, liquor stores, gasoline service stations, bars, and restaurants.

- (n) **Sale.** “Sale” shall mean any transfer of goods for money, trade, barter, or other consideration.
- (o) **Self-service display.** “Self-service display” shall refer to the open display of licensed products in any manner where any person has access to the licensed products without the assistance or intervention of the licensee or the licensee’s employee and where a physical exchange of the licensed product from the licensee or the licensee’s employee to the customer is not required to access the licensed products.
- (p) **Smoking.** “Smoking” shall mean inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking also includes carrying or using an activated electronic smoking device.
- (q) **Tobacco product.** “Tobacco product” shall mean any product containing, made, or derived from commercial tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco products do not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.
- (r) **Tobacco-related device.** “Tobacco-related device” shall mean any rolling papers, wraps, pipes, or other device intentionally designed or intended to be used with tobacco products. Tobacco-related device shall include components of tobacco-related devices or tobacco products which may be marketed or sold separately. Tobacco-related devices may or may not contain tobacco.
- (s) **Vending machine.** “Vending machine” shall mean any mechanical, electric or electronic, or other type of device that dispenses licensed products upon payment by any form by the person seeking to purchase the licensed product.
- (t) **Youth-oriented facility.** “Youth-oriented facility” shall refer to any facility with visitors, residents, customers, or inhabitants of which 25 percent or more are regularly under the age of 21 or that primarily sells, rents, or offers services or products that are consumed or used primarily by persons under the age of 21. Youth-oriented facilities include but are not limited to schools, playgrounds, recreation centers, houses of worship, and parks.

Section 3. License.

No person shall sell or offer to sell any licensed product without first having obtained a license to do so from the County.

301. **Application.** An application for a license shall be made on a form provided by the County. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the County deems necessary. Upon receipt of a completed application, the Steele County Property Tax & Elections (PT&E) Director shall forward the application to the Steele County Board of Commissioners for action at its next regularly scheduled Board meeting. If the PT&E Director determines that an application is incomplete, they shall return the application to the applicant with notice of the information necessary to make the application complete.
302. **Action.** The Steele County Board of Commissioners may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the County Board approves the license, the PT&E Director shall issue the license to the applicant. If the County Board denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the decision.
303. **Term.** All licenses issued under this ordinance shall be valid for one calendar year from the date of issue.
304. **Revocation or Suspension.** Any license issued under this ordinance may be suspended or revoked as provided in Section 10. of this ordinance.
305. **Transfers.** All licenses issued under this ordinance shall be valid for only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid.
306. **Moveable Place of Business.** No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this ordinance.
307. **Display.** All licenses shall be posted and displayed in plain view of the public on the licensed premise.
308. **Renewals.** The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for a renewal shall be made at least thirty days but not more than sixty days before the expiration of the current license.
309. **Proximity to Youth-Oriented Facilities.** No license shall be granted under this section to any person for any retail sales of licensed products within 1000 feet of any youth-oriented facility, as measured by the shortest line between the space to be occupied by the proposed licensee and the occupied space of the youth-oriented facility, unless that person has been in business of selling such products in that location before the date this section was enacted into law.

310. **Sales Prohibited by Pharmacies.** The sale of licensed products shall be prohibited in any pharmacy and in any retail establishment that operates or contains an on-site pharmacy. Any pharmacy or retail establishment that operates or contains a pharmacy and that possesses a tobacco retailer license as of the date this ordinance is enacted shall not be eligible for renewal of that license.
311. **Issuance as Privilege and Not a Right.** The issuance of a license under this section shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.
312. **Minimum Clerk Age.** Individuals employed by a licensed retail establishment under this ordinance must be at least 21 years of age to sell licensed products.
313. **Smoking Prohibited.** Smoking, including smoking for the purpose of the sampling of licensed products is prohibited within the indoor area of any retail establishment licensed under this ordinance.
314. **Samples Prohibited.** No person shall distribute samples of any licensed product free of charge or at a nominal cost.
315. **Instructional Program.** Licensees must ensure that all employees complete a training program on the legal requirements related to the sale of licensed products and the possible consequences of license violations. Any training program must be pre-approved by the County. Licensees must maintain documentation demonstrating their compliance and must provide this documentation to the County at the time of renewal, or whenever requested to do so during the license term.

Section 4. Fees.

No license shall be issued under this ordinance until the appropriate license fee shall be paid in full. The fee for a license under this ordinance shall be in accordance with the fee schedule adopted by the Steele County Board of Commissioners, as it may be amended from time to time.

Section 5. Basis for Denial of License.

501. The following shall be grounds for denying the issuance or renewal of a license under this ordinance:
- (a) The applicant is under the age of twenty-one years.
 - (b) The applicant has been penalized within the past five years for any violation of a federal, state, or local law, ordinance provision, or other regulation relating to licensed products.
 - (c) The applicant has had a license to sell licensed products suspended or revoked within the preceding 12 months of the date of application.

- (d) The applicant fails to provide any information required on the application or provides false or misleading information.
- (e) The applicant is prohibited by Tribal, federal, state, or other local law, ordinance, or other regulation, from holding such a license.
- (f) The business for which the license is requested is a moveable place of business. Only fixed-location retail establishments are eligible to be licensed.
- (g) Any other suitable reason that the granting of a license to the applicant is inconsistent with public health, safety, and welfare, including the applicant's history of noncompliance with this ordinance and other laws relating to the sale of licensed products.

502. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this ordinance. The County will provide the license holder with notice of the revocation, along with information on the right to appeal.

Section 6. Prohibited Sales.

601. **In General.** It shall be a violation of this ordinance for any person to sell or offer to sell any licensed product.

- (a) By means of any type of vending machine.
- (b) By means of loosies as defined in Section 2. of this ordinance.
- (c) Containing opium, morphine, jimsonweed, bella donna, strychnos, cocaine, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process.
- (d) By means of self-service display. No person shall allow the sale of licensed products by any self-service displays where the customer may have access to those items without having to request the item from the licensee or the licensee's employee and where there is not a physical exchange of the licensed product from the licensee or the licensee's employee to the customer. All licensed products must be stored behind the sales counter, in another area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the public.
- (e) By means of delivery sales. All sales of licensed products must be conducted in person, in a licensed retail establishment, in over-the-counter sales transactions.
- (f) By any other means, to any other person, or in any other manner or form prohibited by Tribal, federal, state, or other local law, ordinance provision, or other regulation.

602. **Legal Age.** No person shall sell any licensed product to any person under the age of 21.

(a) **Age Verification.** Licensees must verify by means of government issued photographic identification that the purchaser is at least 21 years of age. Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older shall not constitute a defense to a violation of this subsection.

(b) **Signage.** Notice of the legal sales age, age verification requirement, and possible penalties for underage sales must be posted prominently and in plain view at all times at each location where licensed products are offered for sale. The required signage, which will be provided to the licensee by the county, must be posted in a manner that is clearly visible to anyone who is, or is considering, making a purchase.

603. **Cigars.** No person shall sell or offer to sell:

(a) Any cigar unless it is within a package containing a minimum of five cigars; and

(b) Any package of cigars for a sales price of less than \$15.00 per package, after any discounts are applied and before sales taxes are imposed.

(c) This provision does not prohibit the sale of a single cigar with a sales price of at least \$4.00, after any discounts are applied and before sales taxes are imposed.

604. **Imitation tobacco products.** No person shall sell or offer to sell any imitation tobacco products within the county.

605. **Liquid Packaging.** No person shall sell or offer for sale any liquid, whether or not such liquid contains nicotine, which is intended for human consumption and use in an electronic smoking device, in packaging that is not child resistant. Upon request, a licensee must provide a copy of the certificate of compliance or full laboratory testing report for the packaging used.

606. **Coupon and price promotion.** No person shall accept or redeem any coupon, price promotion, or other instrument or mechanism, whether in paper, digital, electronic, mobile, or any other form, that provides any licensed products to a consumer at no cost or at a price that is less than the non-discounted, standard price listed by a retailer on the item or on any related shelving, posting, advertising, or display at the location where the item is sold or offered for sale, including all applicable taxes.

Section 7. Responsibility.

All licensees are responsible for the actions of their employees in regard to the sale, offer to sell, and furnishing of licensed products on the licensed premises. The sale, offer to sell, or furnishing of any licensed product by an employee shall be considered an act of the licensee. Nothing in this section shall be construed as prohibiting the County from also subjecting the employee to any civil penalties that the County deems to be appropriate under this ordinance, state or federal law, or other applicable law or regulation.

Section 8. Compliance Checks and Inspections.

801. All licensed premises must be open to inspection by law enforcement or other authorized County officials during regular business hours.
802. From time to time, but at least twice per year, the County will conduct compliance checks to ensure compliance with all provisions of this ordinance.
803. In accordance with state law, the County will conduct at least one compliance check that involves the participation of a person between the ages of 15 and 17 and at least one compliance check that involves the participation of a person between the ages of 18 and 20 to enter licensed premises to attempt to purchase licensed products. Prior written consent of a parent or guardian is required for any person under the age of 18 to participate in a compliance check. Persons used for the purpose of compliance checks will be supervised by law enforcement or other designated personnel.
804. Nothing in this section shall prohibit compliance checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular state or federal law.

Section 9. Prohibited Furnishing or Procurement.

It is a violation of this ordinance for any person 21 years of age or older to purchase or otherwise obtain any licensed product on behalf of a person under the age of 21. It is also a violation for any person 21 years of age or older to coerce or attempt to coerce persons under the age of 21 to illegally purchase or attempt to purchase any licensed product.

Section 10. Violations and Penalties.

1001. Violations.

- (a) **Notice.** A person violating this ordinance may be issued, either personally or by mail, a citation from the County that sets forth the alleged violation and that informs the alleged violator of his or her right to a hearing on the matter and how and where a hearing may be requested, including a contact address and phone number.

(b) Hearings.

- (i) Upon issuance of a citation, a person accused of violating this ordinance may request in writing a hearing on the matter. Hearing requests must be made within 10 business days of the issuance of the citation and delivered to the County Auditor or other designated County officer. Failure to properly request a hearing within 10 business days of the issuance of the citation will terminate the person's right to a hearing.

- (ii) The County Auditor or other designated County officer will set the time and place for the hearing. Written notice of the hearing time and place will be mailed or delivered to the accused violator at least 10 business days prior to the hearing.
- (c) **Hearing Officer.** The Steele County Board of Commissioners shall serve as the hearing officer.
- (d) **Decision.** A decision will be issued by the hearing officer within 10 business days of the hearing. If the hearing officer determines that a violation of this ordinance did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed, will be recorded in writing, a copy of which will be provided to the County and the accused violator by in-person delivery or mail as soon as practicable. If the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, those findings will be recorded and a copy will be provided to the County and the acquitted accused violator by in-person delivery or mail as soon as practicable. The decision of the hearing officer is final, subject to an appeal as described in Section 10.1001.f. of this Ordinance.
- (e) **Costs.** If the citation is upheld by the hearing officer, the county's actual expenses in holding the hearing up to a maximum of \$1,000 must be paid by the person requesting the hearing.
- (f) **Appeals.** Appeals of any decision made by the hearing officer shall be filed in Steele County district court within 10 business days of the date of the decision.
- (g) **Continued Violation.** Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

1002. **Administrative Penalties.**

- (a) **Licensees.** Any licensee found to have violated this ordinance, or whose employee shall have violated this ordinance, shall be charged an administrative fine of \$300 for a first violation of this ordinance; \$600 for a second offense at the same licensed premise within a 36-month period; and \$1000 for a third offense or subsequent offense at the same location within a 36-month period from the first violation. Upon the third violation, the license will be suspended for a period of not less than 30 consecutive days and may be revoked. Upon a fourth violation within a 36-month period from the first violation, the license will be revoked.
- (b) **Employees of Licensees and Other Individuals.** Individuals 21 years of age and older who are found to be in violation of this ordinance may be charged an administrative fine of no more than \$50 or required to attend an instructional program regarding the requirements of the tobacco retail licensing ordinance.

- (c) **Persons Under the Age of 21.** Persons under the age of 21 who violate this ordinance may only be subject to noncriminal, non-monetary civil penalties such as tobacco-related education classes, diversion programs, community services, or another penalty that the County determines to be appropriate. The County Board will consult with court personnel, educators, parents, youth, and other interested parties to determine an appropriate consequence for persons under the age of 21 in the County. The penalty may be established by ordinance and amended from time to time.
- (d) **Misdemeanor.** Nothing in this section shall prohibit the County from seeking prosecution as a misdemeanor for any violation of this ordinance by persons of or over the age of 21.
- (e) **Failure to Pay Fine.** Failure to pay a fine within the time ordered by the County Board of Commissioners shall be grounds for revocation or suspension of the license.
- (f) **Statutory Penalties.** If the administrative penalty for violations against licensed retailers under Section 11.B.1 authorized to be imposed by Minn. Stat. § 461.12, as it may be amended from time to time, differ from that established in this section, then the higher penalty will prevail.

Section 11. Exceptions and Defenses.

1101. **Religious, Spiritual, or Cultural Ceremonies or Practices.** Nothing in this ordinance prevents the provision of tobacco or tobacco-related devices to any person as part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.

1102. **Reasonable Reliance.** It is an affirmative defense to a violation of this ordinance for a person to have reasonably relied on proof of age as described by state law.

Section 12. Severability and Savings Clause.

If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation or effect the validity and enforceability of any other section or provision of this ordinance.

Section 13. Effective Date.

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

ADOPTED by the Steele County Commissioners this _____ day of _____, 2024.

Ordinance Number 39

ORDINANCE PROHIBITING SMOKING IN PUBLIC PLACES AND PLACES OF WORK

The County Board of Steele County Ordains:

Section 1. Findings of Fact, Purpose, and Jurisdiction.

Section 2. Definitions.

Section 3. Smoking Prohibited.

Section 4. Responsibilities of Proprietors

Section 5. Traditional Native American Ceremonies.

Section 6. Other Applicable Laws.

Section 7. Violation and Penalties.

Section 8. Injunctive Relief.

Section 9. Retaliation Prohibited.

Section 10. Severability.

Section 11. Effective Date.

Section 1. Findings of Fact, Purpose, and Jurisdiction.

101. Findings of Fact.

Whereas, smoke from commercial tobacco is a leading cause of disease in nonsmokers and a major source of indoor air pollution. There is no safe level of exposure to commercial tobacco smoke. Secondhand smoke causes heart disease, lung cancer, respiratory infections, decreased respiratory function, low birthweight or pre-term deliveries, and other health problems. Neither the separation of smokers and nonsmokers, nor the introduction of new ventilation systems, can eliminate the health hazards caused by secondhand smoke; and

Whereas, electronic smoking devices, more commonly referred to as electronic cigarettes, e-cigarettes, or vapes closely resemble and purposefully mimic the act of smoking as users inhale aerosolized liquid nicotine, tetrahydrocannabinol (THC), and other substances heated by an electronic ignition system. Their use in workplaces and public places where smoking is prohibited creates concern and confusion and leads to difficulties in enforcing smoking prohibitions; and

Whereas, scientific research has shown negative health effects related to secondhand exposure to e-cigarette aerosol. In 2014, the American Society for Heating, Refrigeration, and Air Conditioning Engineering published a risk assessment of electronic smoking devices and concluded that “e-cigarettes emit harmful chemicals into the air and need to be regulated in the same manner as tobacco smoking.” They can contain nicotine or THC and detectable levels of known carcinogens and toxic chemicals, like nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. In December 2016, the Surgeon General released a comprehensive review of the public health impact of e-cigarettes on U.S. youth and young adults, finding, in part, that the nicotine contained in e-cigarettes can cause addiction and can harm the developing adolescent brain. In Minnesota, a 2017 Youth Tobacco Survey by the Minnesota Department of Health revealed that 46.2% of non-smoking youth had been exposed to secondhand smoke over the past seven days; and

Whereas, restricting smoking in places of work and public places can help to reduce youth exposure to secondhand smoke and model smoke-free behavior; and

Whereas, the only way to completely protect workers and the public from the health threats of secondhand emissions from electronic cigarettes and other smoking products is to create 100 percent smoke-free workplaces and public places; and

Whereas, a Minnesota community health board has the power and duty to adopt ordinances to regulate actual or potential threats to the public health, define public health nuisances, and provide for their prevention.

102. **Purpose.** Accordingly, the Steele County Commissioners find and declare that the purpose of this Ordinance is to: (1) protect the health, safety, and welfare of the people of Steele County from the adverse effects of secondhand smoke and aerosol and (2) affirm that the right to breathe clean air has priority over allowing people to smoke or use electronic smoking devices.

103. **Jurisdiction.** Pursuant to Minn. Stat. §§ 145A.04-.05 and 144.417, subd. 4, this Ordinance shall apply throughout all unincorporated areas of Steele County and property owned by the County of Steele. Nothing in this Ordinance shall prevent other local levels of government within Steele County from adopting more stringent measures to protect citizens from smoking as defined in this Ordinance.

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 ascribed to them except where the context clearly indicated a different meaning. Terms defined in the Minnesota Clean Indoor Air Act but not in this Ordinance have the meaning given to them in the Minnesota Clean Indoor Air Act.

- (a) **Electronic smoking device.** An “electronic smoking device” shall mean any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic smoking devices include, but are not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, vapes, mods,

tank systems, disposables, or under any other product name or descriptor. Electronic smoking devices include any component part of a product, whether or not marketed or sold separately.

- (b) **Indoor area.** “Indoor area” shall mean all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A standard window screen (0.011 gauge with an 18 by 16 mesh count) is not considered a wall.
- (c) **Minnesota Clean Indoor Air Act.** “Minnesota Clean Indoor Air Act” shall mean Minn. Stat. §§ 144.411-417, as it may be amended from time to time.
- (d) **Place of work.** “Place of work” shall mean any indoor area at which two or more individuals perform any type of a service for consideration of payment under any type of contractual relationship, including, but not limited to, an employment relationship with or for a private corporation, partnership, individual, or government agency. Place of employment includes any indoor area where two or more individuals gratuitously perform services for which individuals are ordinarily paid. A place of employment includes, but is not limited to, public conveyances, factories, warehouses, offices, retail stores, restaurants, bars, banquet facilities, theaters, food stores, banks, financial institutions, employee cafeterias, lounges, auditoriums, gymnasiums, restrooms, elevators, hallways, museums, libraries, bowling establishments, employee medical facilities, and rooms or areas containing photocopying equipment or other office equipment used in common. Vehicles used in whole or in part for work purposes are places of employment during hours of operation if more than one person is present. An area in which work is performed in a private residence is a place of employment during hours of operation if:
 - (1) the homeowner uses the area exclusively and regularly as a principal place of business and has one or more on-site employees; or
 - (2) the homeowner uses the area exclusively and regularly as a place to meet or deal with patients, clients, or customers in the normal course of the homeowner's trade or business.
- (e) **Proprietor.** “Proprietor” shall mean the party, regardless of whether the party is owner or lessee of the public place, who ultimately controls, governs, or directs the activities within the public place. The term does not mean the owner of the property unless the owner ultimately controls, governs, or directs the activities within the public place. The term “proprietor” may apply to a corporation as well as an individual.
- (f) **Public place.** A “public place” shall mean any indoor area used by the public, including, but not limited to, restaurants, bars, any other food or liquor establishment, retail stores and other commercial establishments, schools and other educational facilities, hospitals, nursing homes, daycares, auditoriums, arenas, public transportation, public meetings, meeting rooms, and common areas of rental apartment and condominium buildings.

- (g) **Smoking.** “Smoking” shall mean inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking also includes carrying or using an activated electronic smoking device.

Section 3. Smoking Prohibited.

No person shall smoke:

- (a) In public places or places of work; or
- (b) Within 25 feet of entrances, exits, windows, and ventilation intakes of public places and places of work.

Section 4. Responsibilities of Proprietors

501. The proprietor or other person, firm, limited liability company, corporation, or other entity that owns, leases, manages, operates, or otherwise controls the use of a public place or place of employment shall make reasonable efforts to prevent smoking in the public place or place of employment by:

- (a) Posting appropriate signage on or immediately inside of all outside entrances to the public place or place of work. Signs must be placed at an unobscured location, at a height that will be easily seen by persons entering the establishment; and
- (b) Refusing to serve or service any person acting in violation of this Ordinance; and
- (c) Ensuring that no ashtrays, lighters, matchbooks, smoking papers, pipes (including hookahs), or similar smoking paraphernalia are provided in any area where smoking is prohibited; and
- (d) Asking any person who smokes in an area where smoking is prohibited to refrain from smoking, and, if the person does not refrain from smoking after being asked to do so, asking the person to leave. If the person refuses to leave, the proprietor shall handle the situation consistent with lawful methods for handling other persons acting in a disorderly manner or as a trespasser.

502. The proprietor or other person or entity in charge of a public place, public meeting, public transportation, or place of employment must not provide any equipment that facilitates smoking where smoking is prohibited.

503. Nothing in this Ordinance shall prohibit the proprietor or other person or entity in charge from taking more stringent measures than those contained in this Ordinance or the Minnesota Clean Indoor Air Act to protect individuals from secondhand smoke or aerosol.

504. The proprietor or other person or entity in charge of a restaurant or bar may not serve an individual who is in violation of this Ordinance.

Section 5. Traditional Native American Ceremonies.

Smoking of traditional, non-commercial tobacco by a Native American as part of a traditional Native American spiritual or cultural ceremony is allowed under this Ordinance. For purposes of this Ordinance, a Native American is a person who is a member of an Indian tribe as defined in Minn. Stat. § 260.755, subd. 12.

Section 6. Other Applicable Laws.

This Ordinance is intended to complement the Minnesota Clean Indoor Air Act, as amended from time to time. Nothing in this Ordinance authorizes smoking, including the use of an electronic smoking device in any location that is restricted by other applicable laws or regulations.

Section 7. Violation and Penalties.

A person of or over the age of twenty-one who violates any provision of this Ordinance shall be guilty of a petty misdemeanor and subject to a fine of up to \$300 for the first offense. Each violation and every day in which a violation occurs or continues constitutes a separate offense. A person of or over the age of twenty-one who violates any provision of this Ordinance within one year of a previous violation may be subject to misdemeanor prosecution.

Section 8. Injunctive Relief.

In addition to the penalties provided in Section 7., the County Attorney may bring a civil action against a proprietor or other person in charge of public place or place of work to enjoin repeated or continuing violations of this Ordinance.

Section 9. Retaliation Prohibited.

No proprietor, person, or entity in charge of a public place or place of employment may retaliate or take adverse action against an employee or other person who, in good faith, reports a violation of this Ordinance.

Section 10. Severability.

If any portion of this Ordinance is held unenforceable, then such provision will be modified to reflect the purpose of this Ordinance. All remaining provisions of this Ordinance shall remain in full force and effect.

Section 11. Effective Date.

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

ADOPTED by the Steele County Commissioners this _____ day of _____, 2024.



Steele County Agenda Item

Request for Board Action

Subject: Ordinance Regulating Cannabis Businesses

Department: Administration Office

Committee: Choose an item.

Committee Meeting Date: Enter a date.

Work Session Date: November 12, 2024

Board Meeting Date: Enter a date.

Consent Agenda: ☐ Yes ☐ No

Resolution: ☐ Yes ☐ No

Policy Committee Recommendation:

n/a

Recommendation:

Approve Ordinance Regulating Cannabis Businesses

Hold a Public Hearing on December 12, 2024 at 5:15 p.m. or as soon thereafter as the matter may be heard to receive testimony from all interested parties on the attached ordinance.

Background (*Including Budget Impact*):

Steele County staff, law enforcement personnel and representatives of Owatonna have been meeting to discuss the possible adoption of an ordinance regulating cannabis businesses. Owatonna is drafting its own ordinance and the language being proposed for board consideration aligns with the ordinance being adopted by Owatonna. This draft document is being provided to you ahead of the public hearing on the topic. The public hearing is tentatively planned for the December 12, 2024 board meeting.

Attachments:

Ordinance Regulating Cannabis Businesses

ORDINANCE REGULATING CANNABIS BUSINESSES

The County Board of Steele County Ordains:

Section 1: Administration

Section 2: Registration of Cannabis Businesses

Section 3: Requirements for Cannabis Businesses

Section 4: Temporary Cannabis Events

Section 5: Local Government as a Cannabis Retailer

Section 1: Administration

101. Findings and Purpose. Steele County makes the following findings:

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

Steele County finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Steele County, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

102. Authority & Jurisdiction

(a) Steele County has the authority to adopt this Ordinance pursuant to:

- i. 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.
- ii. MINN. STAT. § 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower- potency hemp edible retail businesses.
- iii. MINN. STAT. § 152.0263, subd. 5, regarding the use of cannabis in public places.
- iv. MINN. STAT. § 394.21, regarding the authority of a local authority to adopt zoning ordinances.

(b) For Steele County jurisdictions subject to county zoning per the Steele County Zoning Ordinance section 401 Steele County will be the registration authority for those jurisdictions unless that jurisdiction opts out of county zoning.

(c) For Steele County incorporated cities that have not opted into county zoning per the Steele

County Zoning Ordinance, those jurisdictions may request that Steele County be the registration authority only through the following procedure:

- i. The jurisdiction submits a letter of interest and a copy of the jurisdiction's cannabis-related zoning ordinances or regulations to the Steele County Property Tax and Elections Director.
 - ii. The Steele County Property Tax and Elections Director shall review the letter and the jurisdiction's submitted ordinances and regulations.
 - iii. If the Steele County Property Tax and Elections Director agrees to be the registration authority for the jurisdiction, delegation of registration will become effective upon receipt of the jurisdiction's delegation opt-in resolution.
 - iv. The jurisdiction must agree to indemnify Steele 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.
 - v. Once the above requirements are completed, the Steele County Property Tax and Elections Director will provide registration on behalf of the local jurisdiction.
- (d) Delegating registration authority to Steele County in such a manner does not opt a jurisdiction into Steele County zoning. Cities or townships who have delegated registration authority to Steele County may adopt ordinances under paragraph 206, and Sections 3 and 4 below if Steele County has not adopted conflicting provisions.
- (e) Jurisdictions delegating registration authority to Steele County must inform the Steele County Property Tax and Elections Director of any cannabis-related ordinances or regulations passed after delegating registration authority to Steele County. The Steele County Property Tax and Elections Director has the sole discretion whether to act as the registration authority for a jurisdiction. The Steele County Property Tax and Elections Director also has the discretion to terminate its registration authority for a jurisdiction.

103. 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.

104. Enforcement

The Steele County Property Tax and Elections Director or his/her designee is responsible for the administration and enforcement of this Ordinance (except for compliance checks conducted by the Steele County Sheriff's Office under paragraph 203.d.). 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 Minnesota law. Violations of this Ordinance can occur regardless of whether a permit is required for a regulated activity listed in this Ordinance.

104. Definitions

- (a) Unless otherwise noted in this Section, words and phrases contained in MINN. STAT. § 42.01 and the rules promulgated pursuant to any of these acts shall have the same meanings in this Ordinance.
- (b) *Cannabis Cultivation*: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. Cultivation includes harvesting cannabis flower from mature plants, packaging and labeling immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transporting cannabis flower to a cannabis manufacturer located on the same premises, and performing other actions described in MINN. STAT. § 342.01 subd. 27 and approved by the Office of Cannabis Management.
- (c) *Cannabis Retail Business*: A retail location of a cannabis retailer, a cannabis mezzobusiness with a retail operations endorsement, a cannabis microbusiness with a retail operations endorsement, a medical cannabis retailer, or a medical combination business. This definition excludes lower-potency hemp edible retailers unless otherwise noted in this Ordinance.
- (d) *Cannabis Retailer*: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product(s) to a consumer and not for the purpose of resale in any form.
- (e) *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.
- (f) *Lower-potency Hemp Edible*: As defined under MINN. STAT. § 342.01 subd. 50.
- (g) *Office of Cannabis Management*: Minnesota Office of Cannabis Management, referred to as “OCM” in this Ordinance.
- (h) *Preliminary License Approval*: OCM pre-approval for a cannabis business license for applicants who qualify under MINN. STAT. § 342.17.
- (i) *Residential Treatment Facility*: As defined under MINN. STAT. § 245.462 subd. 23.
- (j) *Retail Registration*: An approved registration issued by Steele County to a state- licensed cannabis retail business.
- (k) *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.
- (l) *State License*: An approved license issued by the State of Minnesota’s Office of Cannabis Management to a cannabis retail business.

Section 2: Registration of Cannabis Businesses

201. Consent to registering of Cannabis Businesses

- (a) For the jurisdictions covered by this Ordinance (paragraph 102), no individual or entity may operate a state-licensed cannabis retail business within Steele County without first registering with Steele County.
- (b) 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 per MINN. STAT. § 342.22 subd. 5(e).
- (c) This Section does not apply to a cannabis retail business operated by a Minnesota Tribal government in Indian country, as defined in United States Code, title 18, section 1151.

202. Compliance Checks Prior to Retail Registration

Prior to issuance of a cannabis retail business registration, Steele County shall conduct a preliminary compliance check to ensure compliance with local ordinances. Per MINN. STAT. § 342.13(f), within 30 days of receiving a copy of a state license application from OCM, Steele 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 Steele County receives a state license application from OCM, that jurisdiction shall immediately forward the application to the Steele County Property Tax and Elections Director.

203. Registration & Application Procedure

- (a) Fees.
 - 1. Steele County shall not charge an application fee.
 - 2. A registration fee, as established in Steele County's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.
 - 3. 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.
 - 4. Any renewal retail registration fee imposed by Steele County shall be charged at the time of the second renewal and each subsequent renewal thereafter.
 - 5. 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.
 - 6. 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.

7. All fees collected by Steele County will be retained by Steele County.

(b) Application Submittal.

Steele County shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of MINN. STAT. § 342.22.

1. An applicant for a retail registration shall fill out an application form, as provided by the Steele County Property Tax and Elections Director. Said form shall include, but is not limited to:
 - a. Full name of the property owner and applicant;
 - b. Address, email address, and telephone number of the applicant;
 - c. The address and parcel ID for the property which the retail registration is sought; and
 - d. Certification that the applicant complies with the requirements of local ordinances, including those established pursuant to MINN. STAT. § 342.13.
2. The applicant shall include with the form:
 - a. the registration fee as required in paragraph 201; and
 - b. a copy of a valid state license or written notice of OCM license preapproval.
3. Once an application is considered complete, the Steele County Property Tax and Elections Director shall inform the applicant as such, process the application fees, and review the application for approval or denial.
4. The application fee shall be non-refundable once processed.

(c) Application Approval

1. 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.
2. 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.
3. A state-licensed cannabis retail business application that meets the requirements of this Ordinance shall be approved.

(d) Annual Compliance Checks.

1. The Steele County Sheriff's Office shall complete at minimum one compliance check per calendar year of every cannabis business with a retail registration to assess if the business meets age verification requirements, as required under MINN. STAT. § 342.22 subd. 4(b), MINN. STAT. § 342.24, and this Ordinance.

2. The Steele County Sheriff's Office shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.
 3. 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.
 4. Any failures under this Section must be reported to the Office of Cannabis Management.
- (e) Location Change. A state-licensed cannabis retail business shall be required to submit a new application for registration under paragraph 203 above if it seeks to move to a new location still within the legal boundaries of Steele County.

204. Renewal of Registration

- (a) The Steele County Property Tax and Elections Director shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.
- (b) A state-licensed cannabis retail business shall apply to renew registration on a form established by the Steele County Property Tax and Elections Director.
- (c) A cannabis retail registration issued under this ordinance shall not be transferred.
- (d) Renewal Fees. The Steele County Property Tax and Elections Director shall charge a renewal fee for the registration starting at the second renewal, as established in Steele County's fee schedule.
- (e) Renewal Application. The application for renewal of a retail registration shall include, but is not limited to, items required under section 203.b. of this Ordinance.

205. Suspension of Registration

- (a) When Suspension is Warranted.

The Steele County Property Tax and Elections Director may suspend a cannabis retail business's registration if it violates this Ordinance or poses an immediate threat to the health or safety of the public. The Steele County Property Tax and Elections Director shall immediately notify the cannabis retail business in writing the grounds for the suspension.

- (b) Notification to OCM.

The Steele County Property Tax and Elections Director shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide the Steele County Property Tax and Elections Director and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

(c) 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.

The Steele County Property Tax and Elections Director may reinstate a registration if it determines that the violations have been resolved.

The Steele County Property Tax and Elections Director shall reinstate a registration if OCM determines that the violation(s) have been resolved.

(d) Civil Penalties.

Subject to MINN. STAT. 342.22, subd. 5(e) the Steele County Property Tax and Elections Director may impose a civil penalty, as specified in Steele County's Fee Schedule, for registration violations, not to exceed \$2,000.

206. Limiting of Registrations

If Steele County has one active cannabis retail business registration for every 12,500 residents as determined annually by Minnesota State Demographic Center, the Steele County Property Tax and Elections Director shall not register additional state-licensed cannabis retail businesses. For purposes of determining the number of cannabis retail business registrations for Steele County, if a number under 12,500 remains after applying the 12,500 increments to Steele County's population, that fractional amount is also accorded one active cannabis retail business registration. By way of example, the most recent population calculation for Steele County as of the date of adoption is 37,422. Based on this population, the maximum number of active business registrations in the county is three (3) registrations. This limitation does not include a Minnesota Tribal government operating a cannabis retailer in Indian country, as defined in United States Code, title 18, section 1151, within Steele County.

- (a) In applying this limitation, cannabis retail business applications will be prioritized based upon the date the application is received by the Steele County Property Tax and Elections Director. Applications will be reviewed in the order the applications were received, starting with the earliest received. Incomplete applications or those not following the requirements of this Ordinance will be removed from the order. If applications are received on the same day and those applications outnumber the maximum number of registrations allowed, a committee with the Steele County Property Tax and Elections Director, Steele County Administrator, Steele County Finance Director, the Steele County Sheriff, and the Owatonna Community Development Director as members will select which application(s) to accept. The decision shall be based upon factors such as completeness, feasibility of the proposal, safety, community needs, and distance from other cannabis retailers.

Section 3: Requirements for Cannabis Businesses

301. Minimum Buffer Requirements

- (a) A cannabis business shall not operate within 1,000 feet of a school. A cannabis business shall not operate within 500 feet of a day care.
- (b) A cannabis business shall not operate within 500 feet of a residential treatment facility.
- (c) A cannabis business shall not operate within 500 feet of a public park that is regularly used by minors, including a playground or athletic field and the Steele County Free Fair grounds.
- (d) A cannabis retail business shall not operate within 1,000 feet of another cannabis retail business.
- (e) All setback distances referenced above will be measured from the property lines for the parcel on which the above-described use is located. Per MINN. STAT. § 462.357 subd. 1e, nothing in paragraph 301 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.

302. Hours of Operation

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, or hemp-derived consumer products between the hours of 10:00 a.m. and 9:00 p.m., seven days a week.

303. Advertising

- (a) This Section applies only to areas of Steele County that are covered by the Steele County Zoning Ordinance, including jurisdictions that have opted into Steele County zoning. Jurisdictions that have requested Steele County to register cannabis businesses but have not opted into Steele County zoning must certify to the Steele County Property Tax and Elections Director that a proposed cannabis business complies with its sign requirements.
- (b) Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business. Signs must comply with the requirements of the Steele County Zoning Ordinance, section 1514.

Section 4: Temporary Cannabis Events

401. License or Permit Required for Temporary Cannabis Events

- (a) License Required.

A license or permit is required to be issued and approved by the Steele County Property Tax and Elections Director prior to holding a Temporary Cannabis Event.

- (b) Registration & Application Procedure

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

- (c) Application Submittal & Review.

The Steele County Property Tax and Elections Director shall require an application for Temporary Cannabis Events.

1. An applicant shall fill out an application form, as provided by the Steele County Property Tax and Elections Director. Said form shall include, but is not limited to:
 - i. Full name of the property owner and applicant; and
 - ii. Address, email address, and telephone number of the applicant.
2. The applicant shall include with the form:
 - i. The application fee as required in section 4.1.2; and
 - ii. A copy of the OCM cannabis event license application, submitted pursuant to MINN. STAT. § 342.39 subd. 2.
3. The application shall be submitted to the Steele County Property Tax and Elections Director. If the application is deficient with respect to the above requirements, the Steele County Property Tax and Elections Director shall return the application with a notice of the deficiencies.
4. Once an application is considered complete, the Steele County Property Tax and Elections Director shall inform the applicant as such, process the application fees, and forward the application to the Steele County Sheriff's Office for final approval. The Steele County Sheriff may deny an application if the applicant has not sufficiently planned or detailed feasible safety and security plans.
5. The application fee shall be non-refundable once processed.
6. The application for a license for a Temporary Cannabis Event shall meet the following standards:
 - i. Except for low-potency cannabis edibles, onsite consumption is prohibited.
 - ii. Temporary cannabis events shall only be held between the hours of 10:00 a.m. and 9:00 p.m.
 - iii. Temporary cannabis events are prohibited in residential districts.
 - iv. Temporary cannabis events must comply with the buffer requirements described in section 3.1
 - v. 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, subs. 3, 4, 5, 6, 7 and 8.
7. A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.

8. A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The Steele County Property Tax and Elections Director shall notify the applicant of the standards not met and basis for denial.

Section 5: Local Government as a Cannabis Retailer

501. A municipality may establish, own, and operate a municipal cannabis retail business subject to the restrictions in this Ordinance.

502. A municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses under paragraph 206.

503. A municipal cannabis retail store shall be subject to all same rental license requirements and procedures applicable to all other applicants.

ADOPTED by the Steele County Commissioners this ____ day of _____, 2024.



Steele County Agenda Item

Request for Board Action

Subject: Ordinance Regulating the Use of Cannabis and Cannabis Derived Products in Public Places

Department: Administration Office

Committee: Choose an item.

Committee Meeting Date: Enter a date.

Work Session Date: November 12, 2024

Board Meeting Date: Enter a date.

Consent Agenda: ☐ Yes ☐ No

Resolution: ☐ Yes ☐ No

Policy Committee Recommendation:

n/a

Recommendation:

Approve Ordinance Regulating the Use of Cannabis and Cannabis Derived Products in Public Places.

Hold a Public Hearing on December 12, 2024 at 5:15 p.m. to receive testimony from all interested parties on the attached ordinance.

Background *(Including Budget Impact)*:

Steele County staff, law enforcement personnel and representatives of Owatonna have been meeting to discuss the possible adoption of an ordinance regulating the use of cannabis and cannabis derived products in public spaces. Owatonna adopted its own ordinance and the language being proposed for board consideration aligns with the ordinance adopted by Owatonna. Both versions include criminal penalties for violation of the prohibition but both the Sheriff's Office and OPD are more likely to engage the violator and provide education before considering a criminal citation. This draft document is being provided to you ahead of the public hearing on the topic. The public hearing is tentatively planned for the December 12, 2024 board meeting.

Attachments:

Ordinance Regulating the Use of Cannabis and Cannabis Derived Products in Public Places.

Ordinance Number ____

ORDINANCE REGULATING THE USE OF CANNABIS
AND CANNABIS DERIVED PRODUCTS IN PUBLIC PLACES

The County Board of Steele County Ordains:

Section 1: Purpose and Intent.

Section 2. Definitions.

Section 3. Prohibited Acts.

Section 4. Penalty.

Section 5. Severability.

Section 6. Effective Date.

Section 1: Purpose and Intent.

This Ordinance is adopted by the Steele County Commissioners for the purpose of protecting public health and safety by REGULATING/PROHIBITING the use of Cannabis and cannabis derived products in public places and places of public accommodation within Steele County.

By enacting 2023 Session Law, Chapter 63, H. F. No. 100 (hereinafter referred to “State Legislation”), the Minnesota Legislature passed the adult-use cannabis bill. Under that bill, the adult use, possession and personal growing of cannabis will become legal August 1, 2023.

State legislation authorizes adoption of a local ordinance establishing a petty misdemeanor offense for public use of cannabis. See State Legislation, Art. 4, Sec. 19 (Minn. Stat. § 152.0263, subd. 5, or successor statute).

The County wishes to be proactive in protecting public health and safety by enacting regulations that will mitigate threats presented to the public by the public use of cannabis.

Steele County (hereinafter “the County”) recognizes the risks that unintended access and use of cannabis products present to the health, welfare, and safety of youth in Steele County.

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 ascribed to them except where the context clearly indicates a different meaning.

(a) **Adult-use cannabis flower.** “Adult-use cannabis flower” means cannabis flower that is approved for sale by the Minnesota Office of Cannabis Management or is substantially similar to a product

approved by the office. Adult-use cannabis flower does not include medical cannabis flower, hemp plant parts, or hemp-derived consumer products.

(b) **Adult-use cannabis products.** “Adult-use cannabis products” means a cannabis product that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis product includes edible cannabis products but does not include medical cannabinoid products or lower-potency hemp edibles.

(c) **Cannabis flower.** “Cannabis flower” means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

(d) **Cannabis product.** “Cannabis product” means any of the following:

- (1) cannabis concentrate;
- (2) a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower; or
- (3) any other product that contains cannabis concentrate.

(e) **Hemp derived consumer products.**

- (1) “Hemp derived consumer products” means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:
 - (i) contains or consists of hemp plant parts; or
 - (ii) contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.
- (2) Hemp-derived consumer products does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.

(f) **Lower-potency hemp edible.** A “lower-potency hemp edible” means any product that:

- (1) is intended to be eaten or consumed as a beverage by humans;
- (2) contains hemp concentrate or an artificially derived cannabinoid; in combination with food ingredients;
- (3) is not a drug;
- (4) consists of servings that contain no more than five milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any combination of those cannabinoids that does not exceed the identified amounts;
- (5) does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving;
- (6) does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol;
- (7) does not contain a cannabinoid derived from cannabis plants or cannabis flower; and
- (8) is a type of product approved for sale by the office or is substantially similar to a product approved by the office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.

(g) **Public place.** A “public place”, means a public park or trail, public street or sidewalk, any enclosed, indoor area used by the general public, including, but not limited to, theaters, restaurants, bars, food establishments, places licensed to sell intoxicating liquor, wine, or malt beverages, retail businesses, gyms, common areas in buildings, public shopping areas, auditoriums, arenas, or other places of public accommodation, and the grounds of the Steele County Free Fair.

(h) **Place of public accommodation.** “Place of public accommodation” means a business, refreshment, entertainment, recreation, or transportation facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.”

(i) **Exceptions to public place or place of public accommodation.** “A public place” or “a place of public accommodation” does not include the following:

- (1) a private residence, including the individual’s curtilage or yard.
- (2) a private property, not generally accessible by the public, unless the individual is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or
- (3) on the premises of an establishment or event licensed to permit on-site consumption.

(j) **Smoking.** “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products. Smoking includes carrying or using an activated electronic delivery device for human consumption through inhalation of aerosol or vapor from the product.

Section 3. Prohibited Acts.

301. No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products. See State Legislation, Art. 1, Sec. 9 (Minn. Stat. § 342.09, subd. 1(2) or successor statute); see also State Legislation, Art. 1, Sec. 9 (Minn. Stat. § 342.09, subd. 1 (7)(iii) or successor statute); and State Legislation, Art. 4, Sec. 19 (Minn. Stat. § 152.0263, subd. 5, or successor statute).

302. No person shall vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol, or vapor would be inhaled by a minor. See State Legislation, Art. 1, Sec. 9 Minn. Stat. § 342.09, subd. 1 (7)(b)(9) or successor statute.

Section 4. Penalty.

A violation of this ordinance shall be a petty misdemeanor punishable by a fine of up to \$300. Violations of this ordinance shall be prosecuted by the County Attorney. Nothing in this ordinance prohibits the County from seeking prosecution for an alleged violation.

Section 5. 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 6. Effective Date.

This ordinance shall be in full force and effect immediately from and after its passage and publication as required by law.

ADOPTED by the Steele County Commissioners this _____ day of _____, 2024.



Steele County Agenda Item

Informational

Subject: Housing Policy Discussion

Department: Administration Office

Committee: Choose an item.

Committee Meeting Date:

Work Session Date: November 12, 2024

Board Meeting Date: Enter a date.

Purpose: To continue discussion regarding the Board's vision and priorities related to supporting the housing needs of the county.

Background:

The County received money to support affordable housing projects in the county and to support homelessness initiatives. The affordable housing aid funds were transferred to the Steele County Housing Trust Fund, but without any policy direction from the Board as to what types of projects that Board wants to consider and its preferences regarding the form of funding (revolving loans, grants, etc.). The county still holds the aid money earmarked for addressing the homeless' housing needs. Before the Board considers any funding requests, I would like the Board to consider adopting a housing subsidy policy that states the Board's goals and priorities and its preferred funding mechanisms for affordable housing projects in the county and to define the purposes the board supports with regard to the homelessness aid.

Commissioner Krueger requested that I set up a meeting with the members of the HTF committee. Prior to that meeting, I would like to get a general sense of the Board's desire to provide housing subsidy on an ongoing basis vs. expending the funds received and/or expected from the two programs.

Financial Impacts:

Budget information/impacts

Attachments:

Handouts will be provided at the meeting.