

BECKER JOINT PLANNING BOARD
ORDINANCE 2025-02

The Becker Joint Planning Board so ordains:

SECTION 1. SECTION 17.1 SHALL BE AMENDED TO ADD THE FOLLOWING AND ALL SUBSEQUENT NUMBERS SHALL BE RENUMBERED TO FOLLOW:

SECTION 17.1 ZONING: CANNABIS

SUBDIVISION 1.0 STATUTORY AUTHORIZATION AND PURPOSE

- 1.1 Authority & Jurisdiction.** 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. The jurisdiction of this Ordinance shall apply to all the area of Becker Township.
- 1.2 Purpose.** The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes Becker Township to protect the public health, safety, welfare of its residents by regulating cannabis businesses within the legal boundaries of Becker Township.

SUBDIVISION 2.0 DEFINITIONS

- 2.1 Definitions.** The following definitions apply to this section. Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.
- 2.1.1 Cannabis Cultivation:** Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts for sale or distribution.
- 2.1.2 Cannabis Delivery:** As described in MN State Statute 342.41.
- 2.1.3 Cannabis Event:** A temporary cannabis event open to the public in compliance with MN Rules 9810 and lasting no more than four days.
- 2.1.4 Cannabis Manufacturing:** The process by which cannabis flower or plants, cannabis concentrate, artificially derived cannabinoid, hemp plant part, or hemp concentrate

are prepared into useable consumer products, or products intended for further processing.

- 2.1.5 **Cannabis Medical:** As described in MN State Statute 342.47.
- 2.1.6 **Cannabis Mezzobusiness:** As described in MN State Statute 342.29.
- 2.1.7 **Cannabis Microbusiness:** As described in MN State Statute 342.28.
- 2.1.8 **Cannabis Retailer:** Any cannabis retailer, medical cannabis combination business operating a retail location, or lower-potency hemp retailer that holds a valid applicable retailer license. means any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form (definition from the Retailer Ordinance draft).
- 2.1.9 **Cannabis Testing Facility:** As described in MN State Statute 342.37.
- 2.1.10 **Cannabis Transporter:** As described in MN State Statute 342.35.
- 2.1.11 **Cannabis Wholesale:** As described in MN State Statute 342.33.
- 2.1.12 **Daycare:** An individual, childcare center, or facility licensed with the Minnesota Department of Human Services to provide for the care of a child in a location outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
- 2.1.13 **Residential Treatment Facility:** A 24-hour-a-day program for persons under the treatment supervision of a mental health professional or substance use disorder professional, in a community residential setting other than an acute care hospital or regional treatment center inpatient unit, that must be licensed as a residential treatment program by the State of Minnesota.
- 2.1.14 **School:** A public school including elementary, middle, and secondary school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.

SUBDIVISION 3.0 REQUIREMENTS FOR CANNABIS BUSINESSES

3.1 License Required

- 3.1.1 No Cannabis or Hemp Business may operate within Becker Township without first having obtained a license to do so from the Minnesota Office of Cannabis Management.

3.2 Minimum Buffer Requirements for Retail, Temporary Events & Onsite Consumption

- 3.2.1 Prohibit the operation of a cannabis business within [1,000] feet of a school.
- 3.2.2 Prohibit the operation of a cannabis business within [500] feet of a day care.
- 3.2.3 Prohibit the operation of a cannabis business within [500] feet of a place of worship.
- 3.2.4 Prohibit the operation of a cannabis business within [500] feet of a residential treatment facility.
- 3.2.5 Prohibit the operation of a cannabis business within [500] feet of an attraction within a public park that is regularly used by minors, including but not limited to a playground or athletic field.
- 3.2.6 Distance is measured between the closest point of the cannabis retail business property line to the closest point of the property line of the school, daycare, residential treatment facility, place of worship, or the closest boundary of a public park attraction regularly used by minors.
- 3.2.7 Nothing in this subsection 3.2 shall prohibit a lawful active cannabis retail business or a cannabis retail business seeking registration from continuing operation at the same site if a school/daycare/residential treatment facility/place of worship/attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

3.3 Compliance with State Building Code and State Fire Code

- 3.3.1 All Cannabis or Hemp Businesses that hold or apply for a license to operate a cannabis or hemp business within Becker Township shall comply with all applicable State Building Code and State Fire Code rules and regulations.
- 3.3.2 Documentation of compliance with all applicable State Building Code and State Fire Code rules and regulations shall be provided by the Cannabis or Hemp Business to Becker Township prior to operation of the business.

3.4 Zoning and Land Use

- 3.4.1 Land Use for Cannabis Operations:
 - A. **Permitted uses (P).** These uses are allowed, provided all standards in the Zoning Ordinance are followed;
 - B. **Interim uses (I).** These uses are allowed through an interim use permit through the provisions stated in all applicable parts of this Becker Joint Planning Board Zoning Ordinance; and
 - Not permitted uses (N).** These uses are prohibited.

Legend: P = Permitted Uses I = Interim Uses N = Not Permitted Uses

Cannabis Operations	Zoning District				
	Agricultural	General Rural	Commercial	Industrial	Heavy Industrial
Cultivation	P-Outdoor, I -Indoor On parcels 20 acres in size or larger	P-Outdoor N-Indoor On parcels 20 acres in size or larger	P-Outdoor, I -Indoor	P-Outdoor, I -Indoor	P-Outdoor, I -Indoor
Delivery	P	P	P	P	P
Events	I	I	I	I	I
Manufacturing	N	N	I	P	P
Medical Combination Endorsements	I – Cultivate or Manufacture	N - Cultivate or Manufacture	I - Cultivate or Manufacture	P - Cultivate or Manufacture	P - Cultivate or Manufacture
	N - Retail	N - Retail	P - Retail	I – Retail	N – Retail
Mezzobusiness Endorsements	I - Cultivate or Manufacture	N - Cultivate or Manufacture	I - Cultivate or Manufacture	P - Cultivate or Manufacture	P - Cultivate or Manufacture
	N - Retail	N- Retail	P- Retail	I - Retail	N- Retail
Microbusiness Endorsements	I - Cultivate or Manufacture	I - Cultivate or Manufacture	I - Cultivate or Manufacture	I - Cultivate or Manufacture	I - Cultivate or Manufacture
	N - Retail	N - Retail	P-Retail	I - Retail	N – Retail
	N – Onsite Consumption	N-Onsite Consumption	P-Onsite Consumption	I-Onsite Consumption	N-Onsite Consumption
Retail	N	N	P	N	N
Testing Facility	N	N	I	P	P
Transporter	P	P	P	P	P
Wholesale	N	N	I	P	P

SUBDIVISION 4.0 PERFORMANCE STANDARDS FOR CANNABIS OPERATIONS

4.1 The following are the minimum performance standards for cannabis operations also see Section 16.2 Subdivision 8 of this Ordinance for interim use permits;

4.1.1 Environmental Standards including but not limited to wastewater, ventilation, filtration, water and energy usage, and solid waste handling, in accordance with MN Rule 9810.1200, and Minn. Stat. 342.23 – 342.515.

4.1.2 Security Standards in accordance with MN Rule 9810.1500, and Minn. Stat. 342.23 – 342.515.

4.1.3 General Operational Plans

- (A) Cultivation in accordance with MN Rule 9810.2000 and Minn. Stat. 342.23-342.25, and 342.30.
- (B) Delivery in accordance with MN Rule 9810.2600 and Minn. Stat. 342.23-342.25, and 342.41, 342.42
- (C) Events in accordance with MN Rule 9810.2700 and Minn. Stat. 342.23, 342.24, 342.39, 342.40
- (D) Manufacturing in accordance with MN Rule 9810.2102 and Minn. Stat. 342.23, 342.24, 342.26, and 342.31
- (E) Medical Combination in accordance with MN Rules 9810.2000-9810.4200 and Minn. Stat. 342.23, 342.24, 342.51, 342.515 and Sherburne County Ordinance #280 (Cannabis Retail Registration)
- (F) Mezzobusiness in accordance with MN Rules 9810.2000-9810.2700 and Minn. Stat. 342.23, 342.24, 342.29 and Sherburne County Ordinance #280. (Cannabis Retail Registration)
- (G) Microbusiness in accordance with MN Rules 9810.2000-9810.2700 and Minn. Stat. 342.23, 342.24, 342.28 and Sherburne County Ordinance #280. (Cannabis Retail Registration)
- (H) Retail in accordance with MN Rules 9810.2000-9810.2700 and Minn. Stat. 342.23, 342.24, 342.32 and Sherburne County Ordinance #280. (Cannabis Retail Registration)
- (I) Wholesale in accordance with MN Rule 9810.2400 and Minn. Stat. 342.23, 342.24, 342.33, and 342.34
- (J) Testing Facility in accordance with MN Rules 9810.3000-9810.3100 and Minn. Stat. 342.23, 342.24, 342.37, and 342.38

- (K) Transporter in accordance with MN Rules 9810.2300 and Minn. Stat. 342.23, 342.24, 342.35, 342.36

SUBDIVISION 5.0 ENFORCEMENT

5.1 Office of Cannabis Management

The Office of Cannabis Management ("OCM") is authorized to enforce performance and operational violations under Minn. Stat. 342.19.

5.2 Violations

Becker Joint Planning Board, Becker Township, and Sherburne County may report any violation by a cannabis business to OCM. Sherburne County is authorized to suspend a retailer registration for a violation of Becker Joint Planning Board Ordinance, Becker Township Ordinance, and/or Sherburne County Ordinance enacted pursuant to Minn. Stat. 342.13 or if the retailer poses an immediate threat to the health or safety of the public.

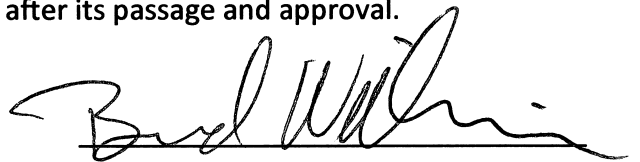
5.3 Cost and Reimbursements

If the Becker Joint Planning Board or Becker Township is required to remove or abate an imminent threat to public health or safety, either or both the Joint Planning Board and/or Becker Township may recover all costs incurred in removal or abatement in a civil action, including legal fees, at the discretion of the Joint Planning Board and/or Town Board, the cost of an enforcement action under this Section may be assessed and charged against the real property on which the public health nuisance was located.

SECTION 2. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and approval.

Adopted this 25th day of March, 2025.



Brad Wilkening, Chair

Attest:



Lucinda Messman, Clerk