

OFFICIAL COPY
3.6.2024

ORDINANCE NO. 2024-03

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE COUNTY OF REDWOOD, MINNESOTA.

WHEREAS, Minnesota Statutes §§ 375.51 and 375.52 authorize the county to amend its code of ordinances, now therefore:

The Board of Commissioners of Redwood County, Minnesota, ordains:

Section 1. Amendments to the Code of Ordinances of the County of Redwood, as stated in Exhibits A, B, and C, attached hereto, are hereby adopted.

Section 2. The amendments to the Code of Ordinances in Section 1 shall affect the following titles: Business Regulations, General Offenses, Administration, and Land Usage.

Section 3. This ordinance amending the Code of Ordinances shall be a sufficient publication of any ordinance included in it and not previously published in the county's official newspaper. The county administrator shall cause a substantial quantity of insert updates to the Code of Ordinances to be printed for general distribution to the public at actual cost, and shall furnish a copy to the County Law Library or its designated depository. The official copy of this Code of Ordinances shall be marked and be kept in the office of the county auditor-treasurer. A lengthy ordinance or an ordinance which includes charts or maps need not be published in its entirety if the title and a summary of the ordinance conforming to section 331A.01, subdivision 10, are included in the publication of the proceedings of the meeting at which it is enacted, with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the county auditor. In that case and if a statute, administrative rule or a code is adopted by reference, all requirements of statute for the publication of ordinances shall be satisfied if the summary of the ordinance or the ordinance incorporating the statute, rule or code is published in the required manner and if, prior to publication, at least one copy of the entire ordinance or of the statute, rule, or code is marked as the official copy and filed for use and examination by the public in the office of the county auditor. Provisions of the entire ordinance or of the statute, rule, or code incorporated in the ordinance by reference shall be as much a part of the ordinance as if they had been set out in full in it.

Section 4. The Code of Ordinances, as amended, is declared to be prima facie evidence of the law of the county and shall be received in evidence as provided by Minnesota Statutes by the courts of the State of Minnesota.

Section 5. This ordinance amending the Code of Ordinances shall take effect upon publication of this ordinance in the county's official newspaper.

ADOPTED by the Redwood County Board of Commissioners this 5th day of March, 2024.



James Saffer, Redwood County Board Chair

Attest: Woh

ORDINANCE NO. 2024-01

**AN ORDINANCE REGULATING TOBACCO SALES
FOR THE COUNTY OF REDWOOD, MINNESOTA**

THE REDWOOD COUNTY COMMISSIONERS HEREBY ORDAIN AS FOLLOWS: Redwood County Ordinance Chapter 112, which was enacted through Resolution on December 30, 2008, by the Redwood County Board of Commissioners, is hereby repealed and this is enacted in its stead.

CHAPTER 112: TOBACCO SALES

Section

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GENERAL PROVISIONS

§ 112.01 PURPOSE.

The purpose of this chapter is to regulate the sale of tobacco products for the purpose of enforcing and furthering existing laws, to protect persons under the age of 21 against the known serious health effects associated with the use of tobacco, and to further the public policy of the State of Minnesota as stated in Minn. Stat. 144.391. The County recognizes the sale of commercial tobacco, tobacco-related devices, and nicotine or lobelia delivery products to persons under the age of 21 violates state and federal law. It has been shown smoking causes several severe health problems that subsequently place a financial burden on all levels of government including the County. This chapter is intended to serve the best interests of the citizens of the County by protecting their health, safety, and general welfare.

§ 112.02 AUTHORITY.

This chapter is enacted pursuant to the requirements of Minn. Stat. 461.12 through Minn. Stat. 461.22, as they may be amended from time to time, or successor statutes, relating to the sale of tobacco, tobacco-related devices, electronic delivery devices, nicotine or lobelia delivery products in the County's unorganized territory and in a town, home rule charter or statutory city of the town or city does not license and regulate the sale of tobacco, tobacco-related devices, electronic delivery devices, nicotine or lobelia delivery products.

§ 112.03 DEFINITIONS AND INTERPRETATIONS

Except as otherwise provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Unless specifically defined herein, terms used in this Chapter shall have the same definitions as provided in Minn. Stat. 461.12 through Minn. Stat. 461.22. The terms “shall” and “must” are mandatory and the term “may” is permissive.

COMPLIANCE CHECKS. The system that the county uses to investigate and ensure that those authorized to sell tobacco, tobacco – related devices, electronic delivery devices, and nicotine and lobelia delivery products are following and complying with the requirements of this Chapter. **COMPLIANCE CHECKS** shall involve the use of persons under the age of 21 who purchase or attempt to purchase tobacco products as authorized by this Chapter and Minn. Stat. 461.12, subd. 5. **COMPLIANCE CHECKS** shall also mean the use of persons under the age of 21 who attempt to purchase tobacco products for educations, research, and training purposes as authorized by state and federal laws. **COMPLIANCE CHECKS** may also be conducted by other units of government for the purpose of enforcing appropriate federal, state or local laws and regulations relating to tobacco products.

ELECTRONIC DELIVERY DEVICE. Any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic delivery device includes but is not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device excludes drugs, devices, or combination

products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

LOOSIES. The common term used to refer to a single or individually packaged cigarette including a single use electronic delivery device or any other tobacco product.

MOVEABLE PLACE OF BUSINESS. Any retail business whose physical location is not permanent, including but not limited to, any retail business that is operated from a kiosk, other transportable structure, or motorized or non-motorized vehicle.

NICOTINE OR LOBELIA DELIVERY PRODUCTS. Any product containing or delivering nicotine or lobelia intended for human consumption, whether natural or synthetic, or any part of such a product, that is not tobacco or an electronic delivery device as defined by this Section, if the product is a drug, device, or combination product, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that is authorized for sale by the United States Food and Drug Administration.

RETAIL ESTABLISHMENT. Any place of business where tobacco products are available for sale to the general public. **RETAIL ESTABLISHMENTS** shall include but not be limited to, grocery stores, convenience stores, tobacco product shops, liquor stores, gas stations, golf courses, bowling alleys, bars and restaurants.

SALE. Any transfer, exchange, or barter, in any manner or by any means, for consideration, and includes all sales made by any person. It also includes gifts or samples provided for advertising or promotional purposes, made by a person engaged in the selling of cigarettes or tobacco products.

SELF-SERVICE MERCHANDISING. Open displays of tobacco products in any manner where any person shall have access to the tobacco products without the assistance or

intervention of the licensee or the licensee's employee. Assistance or intervention shall include the actual physical exchange of the tobacco products between the customer and the licensee or employee. **SELF-SERVICE MERCHANDISING** shall not include vending machines.

SMOKING. Inhaling or exhaling smoke from any lighted or heated tobacco product exhaling vapor from any electronic delivery device. **SMOKING** also includes carrying or using an activated electronic delivery device or a lighted or heated tobacco product intended for inhalation.

TOBACCO. Cigarettes and any product containing, made, or derived from 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 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 excludes any drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

TOBACCO PRODUCTS. Any tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products as those terms are defined in this Section.

TOBACCO-RELATED DEVICES. Cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of aerosol or vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

VENDING MACHINES. Any mechanical, electrical or electronic, or self-service device which dispenses tobacco products upon the insertion of money, tokens or other forms of payment directly into the machine and includes vending machines equipped with manual, electric, or electronic locking devices.

§ 112.04 PROHIBITED SALES

It shall be a violation of this Chapter for any person to sell or offer to sell any tobacco products:

(A) To a person under the age of 21.

(B)

i. Age verification. The licensee shall verify, by means of government-issued photographic identification containing the bearer's date of birth, that the purchaser or person attempting to make the purchase is at least 21 years of age. Verification is not required if the purchaser or person attempting to make the purchase is 30 years of age or older. It shall not constitute a defense to a violation of this subdivision that the person appeared to be 30 years of age or older.

ii. Signage. The licensee shall display a sign in plain view to provide public notice that selling any of tobacco products to any person under the age of 21 is illegal and subject to penalties. The notice shall be placed in a conspicuous location in the licensed establishment and shall be readily visible to any person who is purchasing or attempting to purchase these products. The sign shall provide notice that all persons responsible for selling these products must verify, by means of photographic identification containing the bearer's date of birth, the age of any person under 30 years of age.

(C) By means of a vending machine.

(D) By means of self-service merchandising and self-service methods. All tobacco products shall be stored behind

a counter. This prohibition does not apply to retail stores which derive at least 90 percent of their revenue from tobacco products, and where the retailer ensures that no person under the age of 21 is present or permitted to enter at any time.

(E) By means of loosies.

(F) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana 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.

(G) In any circumstance when no license was issued, when a license was denied, when a license was suspended or when a license was revoked, regardless of whether the applicant or licensee requested a hearing pursuant to Section 112.45.

(H) By means of a moveable place of business.

(I) In the form of any liquid, whether or not such liquid contains nicotine, intended for human consumption and used in an electronic delivery devices not contained in child-resistant packaging as defined in Minn. Stat. 461.20, as it may be amended from time to time. All licensees must ensure any such liquid is sold in child-resistant packaging.

(J) By any other means, to any other person, or in any other manner or form prohibited by Federal, State, or other local law, ordinance provision, or other regulation.

§ 112.05 COMPLIANCE CHECKS AND INSPECTIONS.

All licensed premises shall be open to inspection by local law enforcement, the Sheriff, or other County officials during regular

business hours.

(A) *Procedure.* From time to time, but at least once per year, a Sheriff's Deputy shall conduct unannounced compliance checks of each licensed retail establishment to ensure compliance with this Chapter. This shall be accomplished, in accordance with state law, by engaging persons between the age of 17 and 20 to enter the licensed premises to attempt to purchase tobacco products. Should the person be under the age of 18 written consent of their parents or legal guardians shall be required prior to use in a compliance check. Persons used for the purpose of compliance checks shall be allowed to enter the licensed retail establishments to attempt to purchase tobacco products and shall be supervised at all times by the designated law enforcement agent of the county. Persons used for compliance checks shall not be guilty of the unlawful purchase or attempted purchase of tobacco products when the items are obtained or attempted to be obtained as a part of a compliance check. No person used in compliance checks shall attempt to use a false identification misrepresenting the person's age. All persons lawfully engaged in a compliance check shall produce any identification, if any exists, for which he or she is asked.

(B) *Non-exclusion.* 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.

LICENSING PROCEDURES

§ 112.20 LICENSE REQUIRED.

No person shall sell or offer to sell any tobacco products without first having obtained a license to do so from the County, unless located within a town or statutory city that has retained licensing authority under Minn. Stat. 461.12, subd. 1.

§ 112.21 APPLICATION.

(A) An application for a license to sell tobacco products shall be made on a form provided by the County. Applications shall be made available to the general public by the County Auditor-Treasurer.

(B) The application shall contain the full name of the applicant, the date of birth of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, a copy of the educational materials the applicant intends to use to educate employees, any additional information the County deems necessary, and an affirmation by the applicant that he or she shall abide by this Chapter. The applicant shall declare whether or not he or she has been convicted or administratively penalized within the previous five years for a violation of a federal, state or local law, ordinance provision or other regulation relating to tobacco. The applicant shall also declare whether or not there exists any pending criminal or administrative proceeding, at the time the application is submitted, regarding his or her alleged violation of a federal, state or local law, ordinance provision or other regulation relating to tobacco.

(C) Upon receipt of a completed application, the County Auditor-Treasurer shall determine if the application is complete. If an application is determined to be incomplete, it will be returned to the applicant with notice of the deficiencies. If the County Auditor-Treasurer determines the application to be complete, it will be forwarded to the County Board of Commissioners for action at its next regularly scheduled meeting.

(D) The County Auditor-Treasurer may consult with the Sheriff, Southwest Health and Human Services, or the County Attorney in deciding whether an application is complete.

§ 112.22 ACTION.

The County Board of Commissioners may either approve or deny the license, or it may delay action for such reasonable period of time as it deems necessary to complete an investigation of the application or the

applicant. If the County Board of Commissioners approves the license, the County Auditor-Treasurer shall issue the license to the applicant. If the County Board of Commissioners denies the license, written notice of the denial shall be sent to the applicant at the business address provided on the application with the reason(s) for denial. The notice shall also inform the applicant of the right to appeal the decision pursuant to Section 112.45, and have a hearing pursuant to Section 112.46.

§ 112.23 TERM.

All licenses issued under this chapter shall be valid for one calendar year beginning January 1 and ending December 31 of the applicable year. Licenses applied for after January 1 shall be charged a prorated fee. A portion of a month shall be considered a whole month for the purpose of calculating the prorated fee; provided, however, that, in no case shall a license fee be prorated below an amount equal to one-half of the original fee. There shall be no refunds for portions of unused tobacco licenses.

§ 112.24 REVOCATION OR SUSPENSION.

Any license issued under this chapter may be revoked or suspended as provided in § 112.51 of this chapter.

§ 112.25 TRANSFERS.

All licenses issued under this Chapter shall be valid 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 without the prior approval of the County Board of Commissioners.

§ 112.26 LICENSEE RESPONSIBILITY.

All licensees are responsible for the actions of their agents and employees regarding the sale of tobacco products on the licensed premises. The sale of a tobacco product shall be considered a sale by the licensee. Any violation

of this Chapter shall be considered an act of the licensee for purposes of imposing an administrative penalty, license suspension, or license revocation.

§ 112.27 DISPLAY OF LICENSE.

All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

§ 112.28 LICENSE RENEWAL.

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 30 days, but no more than 60 days, before the expiration of the current license.

§ 112.29 ISSUANCE AS A PRIVILEGE.

The issuance of a license under this Chapter shall be considered a privilege and not an absolute right, contract or entitlement of the applicant and shall not entitle the holder to an automatic renewal of the license.

§ 112.30 FEE.

(A) No license shall be issued under this Chapter until the appropriate license fee is paid in full. The fee shall be set in accordance with a fee schedule adopted by the County's Board of Commissioners. The County Auditor-Treasurer shall be authorized to accept payment of this license fee. If an applicant elects to pay the appropriate license fee by check or money order, the check or money order shall be made payable to "Redwood County Auditor-Treasurer".

§ 112.31 LICENSE DENIAL.

(A) The following shall be grounds for denying the issuance or renewal of a license under this Chapter. However, except as may otherwise be provided by law, the existence of any particular ground for denial does not require the County Board of Commissioners to deny the license.

(B) The following is a non-exclusive list of bases for denial of a license under this chapter:

(1) *Age of applicant.* The applicant is a person under the age of 21.

(2) *Prior conviction.* The applicant or licensee has been convicted within the past five (5) years of any violation of a federal, state or local law, ordinance provision or other regulation relating to tobacco products.

(3) *Prior administrative penalty.* The applicant or licensee has been subject to administrative penalties under Section 112.51 within the preceding 12 months of the date of application.

(4) *Prior license revocation.* The applicant or licensee has had a license to sell tobacco products revoked within the preceding 12 months of the date of application.

(5) *Incomplete or misleading information.* The applicant or licensee fails to provide any information required on the application or provides false or misleading information.

(6) *Prohibition.* The applicant or licensee is prohibited by federal, state or other local law, ordinance or other regulation, from a license.

(7) *Outstanding Fees, Fines, or Pearlites.* The applicant or licensee has outstanding fees, fines, penalties, or property taxes owed to the County.

(8) *Moveable Place of Business.* The license is for a moveable place of business.

(9) *Location.* The licensed premises is within 1,000 feet of any school, as measured by the shortest line between the space to be occupied by the applicant or licensee and the occupied space of the school, unless the applicant or licensee has been in the business of selling tobacco products in that location for at least one (1) year before the date this Section was enacted into law.

§ 112.32 LICENSE INSTRUCTIONAL PROGRAM.

No applicant shall be issued a license or granted a license renewal to sell tobacco products unless the applicant or licensee has a program for instructing all agents and employees regarding the legal requirements pertaining to the sale of tobacco products. The instructional program includes, but is not limited to:

- A. Reviewing the law, including this Chapter, on the sale of tobacco products;
- B. Requiring agents and employees to request identification from every customer who is under 30 years of age;
- C. Explaining that the sale of tobacco products to persons under the age of 21 is illegal;
- D. Explaining what proof of age is legally acceptable; and
- E. Explaining that a sale to a person under the age of 21 can subject the applicant or licensee and their agents and employees to criminal and civil penalties.

§ 112.40 MINNESOTA CLEAN INDOOR AIR ACT

All licensees shall comply with The Minnesota Clean Indoor Air Act as set out in Minn. Stat. 144.411 to 144.417, as it may be amended from time to time.

Administration and Enforcement

§ 112.45 NOTICE.

Upon discovery of a violation or notice of license denial, the licensee or applicant shall be issued either personally or by mail a written citation or notice of license denial. The citation

or notice of license denial must provide notice that a hearing may be requested in writing by the licensee or applicant but must be received by the County Board of Commissioners within ten (10) business days of issuance of the citation or notice of license denial, and that failure to follow said process forfeits the right to a hearing. The citation or notice of license denial must provide information on how and where to request a hearing, including an address and contact information for the County Board of Commissioners. A citation must also inform the alleged violator of the violation and the administrative penalty under Section 112.51.

§ 112.46 HEARINGS.

(A) Failure to request a hearing as outlined in Section 112.45 will terminate the alleged violator or applicants right to a hearing on the violation or the license denial, and the violation and administrative penalty imposed under Section 112.51 of this Chapter or the license denial will become final.

(B) Upon receipt of a timely request, the County Board of Commissioners shall set the time and place for the hearing. The accused violator or applicant shall be informed in writing, sent to the business address of the licensee or applicant, of the time and place of the hearing at least ten (10) business days prior to the hearing.

§ 112.47 HEARING OFFICER.

(A) The County Board of Commissioners shall appoint a hearing officer. The hearing officer shall be an impartial person retained by the County to conduct the hearing.

(B) In making its determination of whether or not a violation has occurred, the hearing officer shall consider only facts obtained at the hearing.

§ 112.48 DECISION.

The hearing officer shall issue a written decision within ten (10) business days after the

hearing. If the hearing officer determines that a violation of this Chapter did occur or that the license denial is upheld, that decision, along with the hearing officer's reasons and the administrative penalty to be imposed, if any, shall be recorded in a writing, a copy of which shall be provided to the violator or applicant. If the hearing officer finds that no violation occurred, finds grounds for not imposing any administrative penalty, or overturns the license denial, the findings shall be recorded in writing and a copy shall be provided to the acquitted violator or applicant.

§ 112.49 APPEALS.

Appeals of any decision made by the hearing officer shall be filed in Redwood County District Court within 30 days of written notice of the hearing officer's decision.

§ 112.50 EXCEPTIONS AND AFFIRMATIVE DEFENSES.

(A) Nothing in this chapter shall prevent the provision of tobacco products to a person under the age of 21 as part of a lawfully recognized religious, spiritual or cultural ceremony.

(B) It shall also be an affirmative defense to the violation of this Chapter for a person to have reasonably and in good faith relied on proof of age as described by state law in Minn. Stat. 340A.503, subd. 6.

§ 112.51 PENALTY.

(A) Any licensee found to have violated this Chapter or whose employee has violated this Chapter, shall be charged:

1. An administrative fine of \$300 for a first violation of this Chapter;
2. An administrative fine of \$600 and a one-day suspension of the license for a second violation at the same licensed premises within a five-year period of the first violation;
3. An administrative fine of \$1,000 and a seven (7) day suspension for a third

violation at the same licensed premises within a five-year period of the first violation and may be revoked; or

4. Revocation of the license for a fourth violation at the same licensed premises within a five-year period of the first violation.

(B) If the administrative penalties authorized to be imposed by Minn. Stat. 461.12, as it may be amended from time to time, differ from those established in this section, the higher administrative penalty will prevail.

(C) If a license is mistakenly issued or renewed to an applicant, the license will be administratively revoked upon the discovery that the applicant or licensee was ineligible for a license under Section 112.31.

(D) Other individuals age 21 and older found to be in violation of this Chapter may be charged an administrative fine of \$50.

(E) (1) The administrative penalties set forth in this Section shall be paid within 30 days of:

- a) The receipt of a citation for a violation of this Chapter;
- b) The final decision under section 112.48; or
- c) The exhaustion of appellate review under section 112.49, whichever occurs last in time.

(2) Non-payment of any administrative penalty assessed within the specified 30 days shall result in a suspension of the retail tobacco license for the licensed premises at which the violation occurred. A new license shall not be issued until a renewal application is made and the license fee is paid. Payment of all administrative penalties shall be made to the County Auditor-Treasurer by either cash, check or money order. If payment is made by check or money order, the check or money order shall be made payable to "Redwood County Auditor-Treasurer".

Exhibit A

§ 112.52 PROSECUTION.

Nothing in this Chapter shall prohibit the state from seeking prosecution as a misdemeanor or gross misdemeanor for any alleged violation of state statutes in addition to or instead of any administrative penalty under this Chapter.

§ 112.53 CONTINUED VIOLATIONS.

Each violation shall constitute a separate

offense, and every day in which a violation continues, shall constitute a separate offense.

§ 112.54 SEVERABILITY.

If any section or provision of this chapter 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.

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

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

James Salfer, Redwood County Board Chair

Attest: _____

**COUNTY OF REDWOOD
STATE OF MINNESOTA**

ORDINANCE No. 2024-02

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

THE REDWOOD COUNTY COMMISSIONERS HEREBY ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE, INTENT, AND STATUTORY AUTHORITY

1.1 Statement of Purpose and Intent.

This Ordinance is adopted by the Redwood County Commissioners for the purpose of protecting public health and safety in accordance with its statutory obligations by regulating the use of Cannabis and Cannabis Derived Products in public places and places of public accommodation within Redwood County.

1.2 Statutory Authority.

By enacting 2023 Session Law, Chapter 63, H. F. No. 100 the Minnesota Legislature passed the adult-use cannabis bill, hereinafter “Session Law.” As of August 1, 2023, the Session Law legalized adult use, possession, and personal growth of cannabis under certain parameters.

The Session Law authorizes adoption of a local ordinance establishing a petty misdemeanor offense for public use of cannabis. See Session Law, Article 4, Sec. 19, Minn. Stat. 152.0263, Subd. 5, or successor statute.

The Local Public Health Act, Minn. Stat. 145A.01 through 145A.17, requires the governing body of a county to provide community health services. To further this obligation, Minn. Stat. 145A.05, subd. 1 authorizes adoption of ordinances to regulate actual or potential threats to public health.

Minn. Stat. 144.417, subd. 4 authorizes enforcement of local government ordinances which are more stringent than state law in protecting individuals from secondhand smoke or from involuntary exposure to aerosol or vapor from electronic delivery devices.

This Ordinance is enacted pursuant to and incorporates the following: Session Law; Session Law, Article 1, Sec. 1 Minn. Stat. 342.01; Session Law, Article 1, Sec. 9 Minn. Stat. 342.09 Subd. 1(b) or successor statute; Session Law, Article 4, Sec. 19 Minn. Stat. 152.0263, Subd. 5, or successor statute; Minn. Stat. 145A; and Minn. Stat. 144.417, subd. 4, or successor statute.

SECTION 2. DEFINITIONS

For purposes of this ordinance, the terms in this section have the meanings given them.

2.1 Adult-use cannabis flower. “Adult-use cannabis flower” means cannabis flower that is approved for sale by the office or is substantially similar to a product approved by the office.

Exhibit B

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

2.2 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.

2.3 Artificially derived cannabinoid. “Artificially derived cannabinoid” means a cannabinoid extracted from a cannabis plant, cannabis flower, hemp plant, or hemp plant parts with a chemical makeup that is changed after extraction to create a different cannabinoid or other chemical compound by applying a catalyst other than heat or light. Artificially derived cannabinoid includes but is not limited to any tetrahydrocannabinol created from cannabidiol but does not include cannabis concentrate, cannabis products, hemp concentrate, lower-potency hemp edibles, or hemp-derived consumer products.

2.4 Cannabinoid. “Cannabinoid” means any of the chemical constituents of hemp plants or cannabis plants that are naturally occurring, biologically active, and act on the cannabinoid receptors of the brain. Cannabinoid includes but is not limited to tetrahydrocannabinol and cannabidiol.

2.5 Cannabis concentrate. “Cannabis concentrate” means:

- (1) the extracts and resins of a cannabis plant or cannabis flower;
- (2) the extracts or resins of a cannabis plant or cannabis flower that are refined to increase the presence of targeted cannabinoids; or
- (3) a product that is produced by refining extracts or resins of a cannabis plant or cannabis flower and is intended to be consumed by combustion or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product.
- (4) Cannabis concentrate does not include hemp concentrate, artificially derived cannabinoid, or hemp-derived consumer products.

2.6 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.

2.7 Cannabis plant. “Cannabis plant” means all parts of the plant of the genus Cannabis that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.

2.8 Cannabis product. “Cannabis product” means any of the following:

- (1) cannabis concentrate;

Exhibit B

(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.

(4) Cannabis product includes adult-use cannabis products, including but not limited to edible cannabis products and medical cannabinoid products. Cannabis product does not include cannabis flower, artificially derived cannabinoid, lower-potency hemp edibles, hemp-derived consumer products, or hemp-derived topical products.

2.9 Cannabis seed. “Cannabis seed” means the viable seed of the plant of the genus Cannabis that is reasonably expected to grow into a cannabis plant. Cannabis seed does not include hemp seed.

2.10 Division of Medical Cannabis. “Division of Medical Cannabis” means a division housed in the Office of Cannabis Management that operates the medical cannabis program.

2.11 Edible cannabis product. “Edible cannabis product” means any product that is intended to be eaten or consumed as a beverage by humans; contains a cannabinoid other than an artificially derived cannabinoid in combination with food ingredients; is not a drug; and 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. Edible cannabis product does not include lower-potency hemp edibles.

2.12 Hemp concentrate. “Hemp concentrate” means:

(1) the extracts and resins of a hemp plant or hemp plant parts;

(2) the extracts or resins of a hemp plant or hemp plant parts that are refined to increase the presence of targeted cannabinoids; or

(3) a product that is produced by refining extracts or resins of a hemp plant or hemp plant parts and is intended to be consumed by combustion or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product.

(4) Hemp concentrate does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived consumer products, or hemp-derived topical products.

2.13 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.

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(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.

2.14 Hemp-derived topical product. “Hemp-derived topical product” means a product intended for human or animal consumption that contains hemp concentrate, is intended for application externally to a part of the body of a human or animal, and does not contain cannabis flower or cannabis concentrate.

2.15 Hemp fiber product. “Hemp fiber product” means an intermediate or finished product made from the fiber of hemp plant parts that is not intended for human or animal consumption. Hemp fiber product includes but is not limited to cordage, paper, fuel, textiles, bedding, insulation, construction materials, compost materials, and industrial materials.

2.16 Hemp grain. “Hemp grain” means the harvested seeds of the hemp plant intended for consumption as a food or part of a food product. Hemp grain includes oils pressed or extracted from harvested hemp seeds.

2.17 Hemp plant. “Hemp plant” means all parts of the plant of the genus Cannabis that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.

2.18 Hemp plant parts. “Hemp plant parts” means any part of the harvested hemp plant, including the flower, bud, leaves, stems, and stalk, but does not include derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers that are separated from the plant. Hemp plant parts does not include hemp fiber products, hemp grain, or hemp seed.

2.19 Hemp seed. “Hemp seed” means the viable seed of the plant of the genus Cannabis that is intended to be planted and is reasonably expected to grow into a hemp plant. Hemp seed does not include cannabis seed or hemp grain.

2.20 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;

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- (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.

2.21 Medical cannabis business. “Medical cannabis business” means an entity licensed by the Office to engage in one or more of the following:

- (1) the cultivation of cannabis plants for medical cannabis flower;
- (2) the manufacture of medical cannabinoid products; and
- (3) the retail sale of medical cannabis flower and medical cannabinoid products.

2.22 Medical cannabis flower. “Medical cannabis flower” means cannabis flower provided to a patient enrolled in the registry program; a registered designated caregiver; or a parent, legal guardian, or spouse of an enrolled patient by a cannabis retailer or medical cannabis business to treat or alleviate the symptoms of a qualifying medical condition. Medical cannabis flower does not include adult-use cannabis flower.

2.23 Medical cannabinoid product. “Medical cannabinoid product” means a product that:

- (1) consists of or contains cannabis concentrate or hemp concentrate or is infused with cannabinoids, including but not limited to artificially derived cannabinoids;
- (2) is provided to a patient enrolled in the registry program; a registered designated caregiver; or a parent, legal guardian, or spouse of an enrolled patient, by a cannabis retailer or medical cannabis retailer to treat or alleviate the symptoms of a qualifying medical condition.
- (3) A medical cannabinoid product must be in the form of:
 - (1) liquid, including but not limited to oil;
 - (2) pill;
 - (3) liquid or oil for use with a vaporized delivery method;
 - (4) water-soluble cannabinoid multiparticulate, including granules, powder, and sprinkles;
 - (5) orally dissolvable product, including lozenges, gum, mints, buccal tablets, and sublingual tablets;
 - (6) edible products in the form of gummies and chews;
 - (7) topical formulation; or
 - (8) any allowable form or delivery method approved by the office.

(4) Medical cannabinoid product does not include adult-use cannabis products or hemp-derived consumer products.

2.24 Medical cannabis flower. “Medical cannabis flower” means cannabis flower provided to a patient enrolled in the registry program; a registered designated caregiver; or a parent, legal guardian, or spouse of an enrolled patient by a cannabis retailer or medical cannabis business to treat or alleviate the symptoms of a qualifying medical condition. Medical cannabis flower does not include adult-use cannabis flower.

2.25 Medical cannabis paraphernalia. “Medical cannabis paraphernalia” means a delivery device, related supply, or educational material used by a patient enrolled in the registry program to administer medical cannabis and medical cannabinoid products.

2.26 Office. “Office” means the Office of Cannabis Management.

2.27 Patient. “Patient” means a Minnesota resident who has been diagnosed with a qualifying medical condition by a health care practitioner and who has met all other requirements for patients under this chapter to participate in the registry program.

2.28 Public place. A “public place” means a public park or trail, public recreation area, public street or sidewalk, any publicly owned property, and any enclosed area used by the general public, including but not limited to theaters; restaurants; bars; food establishments and their outdoor curtilage; 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.

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

2.30 Exceptions to public place or place of public accommodation. Public Place and Place of Public Accommodation do 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. the premises of an establishment or event licensed to permit on-site consumption.

2.31 Qualifying medical condition. “Qualifying medical condition” means a diagnosis of any of the following conditions:

- (1) Alzheimer's disease;

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- (2) autism spectrum disorder that meets the requirements of the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association;
- (3) cancer, if the underlying condition or treatment produces one or more of the following:
 - (i) severe or chronic pain;
 - (ii) nausea or severe vomiting; or
 - (iii) cachexia or severe wasting;
- (4) chronic motor or vocal tic disorder;
- (5) chronic pain;
- (6) glaucoma;
- (7) human immunodeficiency virus or acquired immune deficiency syndrome;
- (8) intractable pain as defined in Minn. Stat. 152.125, subdivision 1, paragraph (c);
- (9) obstructive sleep apnea;
- (10) post-traumatic stress disorder;
- (11) Tourette's syndrome;
- (12) amyotrophic lateral sclerosis;
- (13) seizures, including those characteristic of epilepsy;
- (14) severe and persistent muscle spasms, including those characteristic of multiple sclerosis;
- (15) inflammatory bowel disease, including Crohn's disease;
- (16) irritable bowel syndrome;
- (17) obsessive-compulsive disorder;
- (18) sickle cell disease;
- (19) terminal illness, with a probable life expectancy of under one year, if the illness or its treatment produces one or more of the following:
 - (i) severe or chronic pain;
 - (ii) nausea or severe vomiting; or
 - (iii) cachexia or severe wasting; or
- (20) any other medical condition or its treatment approved by the office.

2.32 Registered designated caregiver. "Registered designated caregiver" means an individual who:

- (1) is at least 18 years old;
- (2) is not disqualified for a criminal offense according to rules adopted pursuant to Minn. Stat. 342.15, subdivision 2;
- (3) has been approved by the Division of Medical Cannabis to assist a patient with obtaining medical cannabis flower and medical cannabinoid products from a cannabis retailer or medical cannabis retailer and with administering medical cannabis flower and medical cannabinoid products; and
- (4) is authorized by the Division of Medical Cannabis to assist a patient with the use of medical cannabis flower and medical cannabinoid products.

2.33 Registry or registry program. "Registry" or "registry program" means the patient registry established under this chapter listing patients authorized to obtain medical cannabis flower, medical cannabinoid products, and medical cannabis paraphernalia from cannabis retailers and

medical cannabis retailers and administer medical cannabis flower and medical cannabinoid products.

2.34 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. JURISDICTION

This Ordinance shall be applicable within the legal boundaries of the County with the exception of those cities or townships that have adopted their own ordinance establishing standards for public use of cannabis within their jurisdiction. It is the intention of this Ordinance that a properly enacted city or township ordinance shall supersede and preempt this ordinance within its jurisdiction.

SECTION 4. PROHIBITED ACTS

Subd. 1. 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 an exception as stated in Section 2.30 of this Ordinance applies.

Subd. 2. 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.

SECTION 5. PENALTY

Subd. 1. Criminal Penalty. A violation of this ordinance shall be a petty misdemeanor punishable by a fine of up to \$300. Nothing in this ordinance shall prohibit the United States, the State of Minnesota, or the County from investigating or prosecuting any other activity that is a crime under any other federal or state statute or county ordinance.

SECTION 6. 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 Redwood County Board of Commissioners this _____ day of _____, 2024.

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James Salfer, Redwood County Board Chair

Attest: _____

Underlined text indicates additions. Stricken-through text indicates deletions.

TITLE III: ADMINISTRATION

Public Health Administration

30.23(A)(1)

(1) Variances for public swimming pools are issued by the state's Department of Health. This Department will not grant variance requests for Minn. Rules part 4717.7000, subpart ~~H~~ I.

TITLE XV: LAND USAGE

Chapter 151: Subsurface Sewage Treatment Systems

151.23 SSTS PERMITTING.

(A)

(3) SSTS permit applications shall be made on forms provided by the county and signed by ~~the applicant or the applicant's agent and~~ an appropriately certified practitioner including the practitioner's certification number and date of expiration, as well as the applicant or the applicant's agent, if other than the certified practitioner. The applications shall include the documents listed in divisions (A)(3)(a) through (A)(3)(d) below:

- (a) Name, mailing address and telephone number of applicant and licensed designer;
- (b) Property identification number, ~~and address,~~ or other description of property location;

Chapter 152: Subdivisions

§ 152.04 APPLICATION OF REGULATIONS.

Any plat hereafter made for each subdivision or each part thereof lying within the jurisdiction of this chapter shall be prepared, presented for approval and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract or parcel of land into two or more lots, tracts or other division of land for the purpose of sale or of building development, whether immediate or future, including the resubdivision or replatting of land or lots. ~~Divisions of land into two or more tracts each larger than ten acres in area and 300 feet in width shall be exempt from the requirements of this chapter.~~

§ 152.21 MINOR SUBDIVISIONS.

(A) The following divisions of land may be submitted to the Administrator of this chapter for approval without a plat:

(1) Any division of a parcel of land involving the sale or exchange of parcels between adjoining owners, where the sale or exchange does not create additional building sites as defined by zoning or reduce the original tract below the requirements of ~~zoning~~ Chapter 153 of this code of ordinances, may be submitted without a plat;

(4) Divisions of land into two or more tracts, each larger than ten acres in area and 300 feet in width.

(B) If the Administrator is satisfied that such proposed divisions as described in divisions (A)(1), (A)(2), ~~and (A)(3), and (A)(4)~~ above are not contrary to applicable platting, subdividing, zoning, sanitary or

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official map regulations, the Administrator shall have the authority to approve the divisions, subject to the following provisions:

(1) The subdivider must submit an application for Pre-approval of the proposed division of land, to the Administrator, on forms supplied by Redwood County. The subdivider must receive approval of the Pre-approval application from the Administrator prior to sending any subdivision documents to be recorded in the property record.;

(2) A legal description, survey and drawing thereof and computation of acreage, prepared by a registered land surveyor shall be filed with the Administrator; A survey and drawing shall not be required for divisions under (A)(4), above;

(6) In the case of approvals, the Administrator shall indicate that the proposed division: meets all applicable code provisions. If the approved subdivision does not constitute a valid building site under Chapter 153 of this code of ordinances, the Administrator shall inform the applicant.

~~(a) Meets all applicable code provisions and constitutes a valid building site; or~~

~~(b) Does meet applicable subdivision provisions, but does not constitute a valid building site as per Chapter 153 of this code of ordinances.~~

§ 152.22 MAJOR SUBDIVISIONS.

(e) The approval of the preliminary plat does not constitute an acceptance of the subdivision for ~~the~~ filing, but is deemed to be an authorization to proceed with the preparation of the final plat.

§ 152.23 PUBLIC HEARING REQUIREMENT.

~~(H) (1) Following the closing of the public hearing, the~~ The Planning Commission shall ~~within 15 days of the hearing~~ modify, approve or disapprove the proposed plat.

~~(2) Following the closing of the public hearing, the~~ The Planning Commission shall request the Administrator to report its findings and recommendations on the proposed plat to the County Board at its next regularly scheduled Board meeting.

§ 152.41 LAND SURVEYS.

~~(A) All registered land surveys shall be filed and are subject to the same procedures as required by this chapter for plats.~~ signed and dated by a certified land surveyor.

~~(B) Until approval is granted by the County Board, building permits shall be withheld, dedications shall not be accepted and no public money shall be spent towards installing utilities and improvements.~~

§ 152.47 UTILITIES.

~~(F) Telephone Communications.~~

(1) ~~Telephone Communications lines~~ facilities, whenever feasible, shall be installed underground and completed prior to street surfacing.

(2) When overhead ~~telephone communications~~ lines are utilized, the pole shall be placed in a rear easement and positioned so as to provide individual service to each lot.

§ 152.60 IN GENERAL.

(F) Until final plat approval is granted by the County Board, building permits shall be withheld, dedications shall not be accepted and no public money shall be spent toward installing utilities and improvements.

Chapter 153: Zoning

153.007 DEFINITIONS.

OBSCENE. Obscene means that the work, taken as a whole, appeals to the prurient interest in sex, depicts or describes in a patently offensive manner sexual conduct, and does not have serious literary, artistic, political, or scientific value.

STRUCTURE. Anything constructed or erected on the ground or attached to the ground or onsite utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in § 153.098(C)(1) of this chapter, patios, decks, pergolas, and other similar items.

SUBDIVISION. The division of any parcel of land into two or more lots, blocks, and/or sites, with or without streets, ~~in which the smallest lot, block or site has an area of not less than ten acres.~~

153.008 AMENDMENTS AND REZONINGS.

(B) (1) (b) A recommendation of the Planning Commission; ~~and~~ or

(3) An application for an amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report and may not be acted upon by the Board until it has received ~~and the~~ the recommendations of the Planning Commission.

(4) Required information accompanying applications to change the wording of this chapter shall contain the following:

153.161 PERMITTED USES.

(H) Any mobile, manufactured, or modular home or the like as regulated in ~~§-?~~ § 153.098 of this chapter;

153.286 PERFORMANCE STANDARDS.

(B) *Noise.* Noise shall be ~~measures-measured~~ measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity, except for noise from agricultural sources. Noise generated by agricultural use shall be exempt.

SHORELANDS

§ 153.243 DEFINITIONS.

~~**ACCESSORY STRUCTURE OR FACILITY.** Any building or improvement subordinate to a principal use which, because the nature of its use, can reasonably be located at or greater than normal structure setbacks.~~

~~**ANIMAL FEEDLOT.** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which~~

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~~manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this subchapter, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy farms, swine facilities, beef lots and barns, horse stalls, mink ranches and zoos, shall be considered to be **ANIMAL FEEDLOTS** under these parts.~~

DECK. A horizontal, unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to the principle use or site ~~and at any point extending more than three feet above the ground.~~

EXTRACTIVE USE. The use of the land for surface or subsurface removal of sand, gravel, rock, industrial minerals, or other non-metallic minerals ~~and peat~~ not regulated under M.S. §§ 93.44 to 93.51, as they may be amended from time to time.

HARDSHIP. ~~The same as that term is defined in M.S. Ch. 394, as it may be amended from time to time.~~

ORDINARY HIGH WATER LEVEL. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where natural vegetation changes from aquatic to predominantly terrestrial.

PUBLIC WATERS. Any waters as defined in M.S. § 103G.005, subd. 15 and ~~18~~15a, as they may be amended from time to time.

§ 153.244 ADMINISTRATION.

(A) *Permits required.*

(1) A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems and those ~~grading and~~ activities not exempted by § 153.246(C)(2) of this chapter.

(B) *Certificate of zoning compliance.*

(1) ~~The county's Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in division (A) above.~~

(2) ~~This certificate will specify that the use of the land conforms to the requirements of this subchapter.~~

(C) *Variances.*

(2) The Board of Adjustment shall hear and decide requests for variances in accordance with rules that it has adopted for the conduct of business and in accordance with the applicable provisions of this chapter. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in division (C)(~~32~~) below shall also include the Board of Adjustment's summary of the public record/testimony and the findings of fact and conclusions which support the issuance of the variance.

(D) *Notifications to the Department of Natural Resources.*

§ 153.245 CLASSIFICATION SYSTEM AND LAND USE.

(A) *Shoreland classification system.*

(1) The public waters of the county have been classified below consistent with criteria found in

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Minn. Regs. parts 6120.3300~~3000~~ and 3300, and the “Protected Waters Inventory Map for Redwood County, Minnesota.”:

(B) *Land use – Shoreland.*

(1) The following uses are permitted in the shoreland areas of the waterbodies listed in divisions (A)(2)(b)(a) ~~and through~~ (A)(2)(e)(e), above:

(2) The following uses may be allowed in the shoreland area of the waterbodies listed in divisions (A)(2)(b)(a) ~~and through~~ (A)(2)(e)(e), above, subject to obtaining a conditional use permit from the county’s Board of Commissioners. ~~The procedure for applying for a conditional use permit shall be the same as found in this chapter:~~

(3) The following land uses are prohibited in the shoreland areas of the waterbodies listed in divisions (A)(2)(b)(a) ~~and through~~ (A)(2)(e)(e), above:

(4)(b) (b) Any amendment to this subchapter shall follow the procedure outlined in this chapter. In taking final action on any amendment to the permitted, or conditionally permitted, uses of the shoreland area of the waterbodies listed in divisions (A)(2)(b)(a) ~~and through~~ (A)(2)(e)(e) above, the County Board must make a detailed finding of facts and conclusions. The findings of facts and conclusions shall be consistent with the following criteria, considerations and objectives:

§ 153.246 ZONING AND WATER SUPPLY; SANITARY PROVISIONS.

(A) (2) *Agricultural rivers/streams and project riverbend.*

(a) All lots created within the shoreland areas of the rivers/streams listed in § 153.245(A)(3)(2) of this chapter shall have a minimum area of 217,800 square feet (five acres) and a minimum width of 250 feet.

(b) These provisions shall not apply to lots described in § 153.2487 of this chapter.

(B) (1) (a) All structures and on-site septic systems shall maintain a minimum setback of 150 feet from the ordinary high water mark of the waterbodies described in § 153.245(A)(2)(b)(a) ~~and through~~ (A)(2)(e)(e) of this chapter.

(2) (a) 3. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure ~~is~~ is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

(c) 6. Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas; provided that, the dimensional and performance standards of divisions (B)(2)(c)1. to (B)(2)(c)5., above, are complied with in addition to the requirements of Minn. ~~Regs.~~ Rules Ch. 13401.

(F) (1) (b) 1. New feedlots must not be located in the shoreland of the watercourses in § 153.245(A)(2)(b)(a) ~~and through~~ (A)(2)(e)(e) of this chapter or in bluff impact zones.

(2) *Forest management standards.* The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Non-point Source Pollution

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Assessment-Forestry and the provisions of the Water Quality in Forest Management “Best Management Practices in Minnesota.”:

- (H) (2) (d) All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in division (H)(2)(e), below divisions (H)(2)(a) through (H)(2)(d) hereof. If the determination of the site’s suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.
- (f) Non-conforming sewage treatment systems shall be regulated and upgraded in accordance with division 153.247(C), below (F) above. [CODIFICATION ERROR]

§ 153.247 NON-CONFORMITIES.

- (B) (2) (d) ~~The deck is constructed primarily of wood and is not roofed or screened.~~
- (C) (2) The governing body of the county has by formal resolution notified the Commissioner of its program to identify non-conforming sewage treatment systems within the shoreland areas. The county will require the upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time which will not exceed two years. Sewage treatment systems installed according to all applicable local shoreland management standards adopted under M.S. § 103F.211 201, as it may be amended from time to time, in effect at the time of installation may be considered as conforming unless they are determined to be failing; except that; systems using cesspools, leaching pits, seepage pits or other deep disposal methods, or systems with less soil treatment area separation above ground water than required by the state’s Pollution Control Agency and Minn. Rules Ch. 7080, for design of on-site sewage treatment systems, shall be considered non-conforming.

~~(3) Minn. Rules Ch. 7080, for design of on-site sewage treatment systems, shall be considered non-conforming.~~

(Ord. passed - -)

§ 153.248 SUBDIVISION AND PLATTING PROVISIONS.

~~(E) *Platting*. Subdivisions shall conform to the requirements of Ch. 152 of this code of ordinances.~~

~~(FE) *Controlled access or recreational lots.*~~