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ROCHESTER TOWNSHIP CANNABIS ORDINANCE - RES 2025_05_01

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ROCHESTER TOWNSHIP
COUNTY OF OLMSTED
STATE OF MINNESOTA

CANNABIS ORDINANCE
RES2025_05_01

WHEREAS, Rochester Township desires to adopt a Cannabis Ordinance to protect the health and safety of their residents; and

WHEREAS, the Rochester Planning Commission held a public hearing on April 15, 2025, at the Rochester Town Hall, 4111 11th Ave SW, Rochester, MN regarding the proposed ordinance; and

WHEREAS, said public hearing was duly noticed by advertisement which appeared ten days or more before the public hearing in the Township newspaper of record; and

WHEREAS, during the public hearing the Commission considered public input on said changes; and

NOW, THEREFORE, BE IT RESOLVED that the Rochester Town Board does hereby ordain and approve the proposed Rochester Cannabis Ordinance attached hereto. The Rochester Township Cannabis Ordinance as shown herein shall take effect following publication of a summary of the changes in the Township's official newspaper.

A motion was made to adopt said ordinance update and the motion carried by unanimous vote.

Dated this 8th day of May 2025. This resolution is effective as of the date of approval.

Chair - Matt Kitzmann

Attest:

Clerk - Randy Staver

RANDY STAVER
Clerk Rochester Twnshp., Olmsted Co. MN
Notarial Officer (ex-officio notary public)
My term is indeterminate

Distribution:
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Drafted by and return to:
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4111 11th Ave SW
Rochester, MN 55929

8/11/25 sh

Rochester Township

Cannabis Ordinance

Olmsted County, Minnesota

Adopted 5/8/2025

Effective 5/24/2025

1 Administration

1.1 Findings and Purpose

Rochester Township makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes Rochester Township to protect the public health, safety, and welfare of Rochester Township residents by regulating cannabis businesses within the legal boundaries of Rochester Township.

Rochester Township finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Rochester Township, that the proposed amendments will promote the community's interest by creating reasonable zoning regulation for the present and future, and that the proposed provisions are in the public interest and for the public good.

On September 17, 2024, Olmsted County Board of Commissioners adopted an amendment to Chapter 1400 of the Olmsted County Code of Ordinances to include language regarding cannabis related activities. Rochester Township shall adhere to those regulations and further restricts cannabis related activities with this ordinance.

1.2 Authority & Jurisdiction

Rochester Township has the authority to adopt this ordinance pursuant to:

1. 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.
2. Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

This ordinance shall be applicable to the legal boundaries of Rochester Township

1.3 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.

1.4 Enforcement

Rochester Township is responsible for the enforcement of this zoning ordinance. 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 law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

Applicants seeking permitting for cannabis related activities are also subject to regulations identified in Olmsted County Code of Ordinances Chapter 2150. The Director of Olmsted County Public Health Services (Director) and the Olmsted County Sheriff (Sheriff) shall be jointly responsible for the administration and enforcement of Olmsted County Code of Ordinances Chapter 2150, as identified in section 2158.

1.5 Definitions

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 meaning in this ordinance.

1.5.1 Cannabis Business

In accordance with MN Statutes Section 342.01 Subdivision 14, "cannabis business" means any of the following licenses by the State of Minnesota:

1. Cannabis Microbusiness;
2. Cannabis Mezzobusiness;
3. Cannabis Cultivator;
4. Cannabis Manufacturer;
5. Cannabis Retailer;
6. Cannabis Wholesaler;
7. Cannabis Transporter;
8. Cannabis Testing Facility;
9. Cannabis Delivery Service;
10. Medical Cannabis Combination Business.

1.5.2 Cannabis Microbusiness

A MN Cannabis License type issued pursuant to MN Statutes Section 342.28 which permits cultivation of cannabis, manufacturing of cannabis products and hemp products, and packaging such products for sale to customers or another licensed cannabis business and which may operate a single retail location.

1.5.3 Cannabis Mezzobusiness

A MN Cannabis License type in issued pursuant to MN Statutes Section 342.29 which permits cultivation of cannabis, manufacturing of cannabis and hemp products, and packaging of such products for sale to customers or another licensed cannabis business and which may operate up to three retail locations.

1.5.4 Cannabis Cultivation

Includes license types: cannabis cultivator, cannabis mezzobusiness, cannabis microbusiness and medical cannabis combination business, means in accordance with MN Statute 342.01 Subdivision 27, any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts.

1.5.5 Cannabis Manufacturing, Processing, Extraction

Includes MN Cannabis License types: cannabis manufacturer, cannabis mezzobusiness, cannabis microbusiness, medical cannabis combination and means a business or activity that turns raw, dried cannabis and cannabis parts into other types of cannabis products such as but not limited to edibles or topicals.

1.5.6 Cannabis Retail

A MN Cannabis License type issued pursuant to MN Statutes Section 342.32 and which includes the following types of cannabis businesses: cannabis retailer, cannabis mezzobusiness, cannabis microbusiness, and medical cannabis combination. This license type allows these businesses to sell cannabis and cannabis products directly to consumers.

1.5.7 Cannabis Wholesale

A MN Cannabis License type issued pursuant to MN Statutes Section 342.33 and 342.34 and which includes the following types of cannabis businesses: cannabis wholesale, cannabis cultivator, cannabis manufacturer, cannabis mezzobusiness, cannabis microbusiness, and medical cannabis combination. This license type allows a business to purchase from a business growing or manufacturing cannabis or cannabis products and sell to a cannabis business engaged in retail operations.

1.5.8 Cannabis Transporter

A MN Cannabis License type issued pursuant to MN Statutes Section 342.35. A cannabis transporter license entitles the license holder to transport immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower potency hemp edible manufacturers, and industrial hemp growers to cannabis microbusinesses, cannabis mezzobusinesses, cannabis manufacturers, cannabis testing facilities, cannabis wholesalers, cannabis retailers, lower potency hemp edible retailers, and medical cannabis combination businesses and perform other actions approved by the Office of Cannabis Management.

1.5.9 Cannabis Testing Facility

A MN Cannabis License type issued pursuant to MN Statutes Section 342.37. A cannabis testing facility license entitles the license holder to obtain and test immature cannabis plants and seedlings, cannabis flower, cannabis products, hemp plant parts, hemp concentrate, artificially derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis combination businesses, and industrial hemp growers.

1.5.10 Cannabis Delivery Service

A MN Cannabis License type issued pursuant to MN Statutes Section 342.41. A cannabis delivery service license entitles the license holder to purchase cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from licensed cannabis microbusinesses with a retail endorsement, cannabis mezzobusinesses with a retail endorsement, cannabis retailers, medical cannabis retailers, and medical cannabis combination businesses; transport and deliver cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumable products to customers; and perform other actions approved by the office.

1.5.11 Daycare

"Daycare" means 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.

1.5.12 Medical Cannabis Combination Business

A MN Cannabis License type issued pursuant to MN Statutes Section 342.515 which permits the cultivation and manufacturing of cannabis and hemp products, and packaging such products for sale to customers, patients, or another licensed cannabis business. Medical cannabis combination businesses may operate up to one retail location in each congressional district.

1.5.13 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.

"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.
3. On the premises of an establishment or event licensed to permit on-site consumption.

1.5.14 Preliminary License Approval

"Preliminary License Approval" means the Office of Cannabis Management pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. Section 342.17.

1.5.15 Residential Treatment Facility

"Residential Treatment Facility" is defined in Minnesota Statutes Section 245.462, Subd. 23.

1.5.16 State License

"State License" means an approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

2 Registration of Cannabis Retail Business

All Cannabis Retail Businesses must comply with Olmsted County Code of Ordinances Section 2155: Registration of Cannabis Businesses. Local Zoning approval is contingent upon appropriately registering with Olmsted County Health Department.

3 Requirements for a Cannabis Business

3.1 General Zoning Regulations

3.1.1 Location Criteria

No cannabis business may be located within the following buffer distances, as measured from the nearest property line:

1. 1,000 feet of an educational institution or school, college or university, as defined in Chapter 2150, Olmsted County Code of Ordinances.
2. 500 feet of a licensed daycare facility,
3. 500 feet of a residential treatment facility,
4. 500 feet of a public park or playground,
5. Upon any county or township property

3.1.2 Existing Cannabis Businesses

Pursuant to Minn. Stat. 462.357 Subd. 1e, nothing in Section 3.1 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, public parks, or playground moves within the minimum buffer zone.

3.1.3 Compliance with Minnesota State Rules

All cannabis business operations must follow Minnesota Rules 9810.

3.1.4 Rural Service Center District (RSD)

All cannabis business operations are prohibited in Rural Service Center Districts.

3.1.5 Outdoor Cultivation

All Cannabis business operations including cultivation must be done indoors in an enclosed facility. Outdoor cultivation is prohibited.

3.1.6 Interim Use Permit Required

All Cannabis businesses must be granted an interim use permit per section 4 of Rochester Township Zoning Ordinance.

3.2 Zoning and Land Use

3.2.1 Cultivation

Cannabis Businesses licensed or endorsed for cultivation are permitted with an interim use permit in the following zoning districts:

1. A-1 Agricultural Protection District;
2. A-2 Agricultural Protection District;
3. A-3 Agricultural Protection District;

Cannabis cultivation is prohibited in all other zoning districts, including A-4 Agricultural Protection District.

In no case is cannabis or medical cannabis cultivation considered incidental to the primary use of the property and may only be grown for personal use in accordance with Minnesota Statutes Section 342.09, Subd. 2 on all other zoned parcels where a dwelling is located.

3.2.2 Cannabis Manufacturer

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted with an interim use permit in the following zoning districts:

1. Industrial District

3.2.3 Wholesale

Cannabis businesses licensed or endorsed for cannabis wholesale are permitted with an interim use permit in the following zoning districts:

1. Commercial Districts
2. Industrial Districts

3.2.4 Cannabis Retail

Cannabis businesses licensed or endorsed for cannabis retail are permitted with an interim use permit in the following zoning districts:

1. Commercial Districts

3.2.5 Cannabis Transportation

Cannabis businesses licensed or endorsed for cannabis transportation are permitted with an interim use permit in the following zoning districts:

1. Commercial Districts

3.2.6 Cannabis Delivery

Cannabis businesses licensed or endorsed for cannabis delivery are permitted with an interim use permit in the following zoning districts:

1. Commercial Districts

3.2.7 Medical Cannabis Combination Business

Cannabis businesses holding a medical cannabis combination business license are permitted with an interim use permit in the following zoning districts:

1. Commercial Service District

3.3 Advertising

Cannabis Businesses are permitted to erect up to two fixed signs, no larger than 2'x4', on the exterior of the building or property of the business, unless otherwise limited by Rochester Township's sign ordinances.

3.4 Hours of Operation

Cannabis businesses are limited to retail sales of cannabis products between the hours of 10 a.m. – 9 p.m.

4 Temporary Cannabis Events

Temporary Cannabis Events are prohibited in Rochester Township.

5 Use of Cannabis in Public

All public use of cannabis within Rochester Township shall be regulated and enforced by Olmsted County. The use of cannabis products in public places shall adhere to the rules and restrictions set forth in Olmsted County Code of Ordinances Chapter 2150.