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DUNN TOWNSHIP
OTTER TAIL COUNTY, MINNESOTA
Ordinance No.2026-010

**ORDINANCE AMENDING THE DUNN TOWNSHIP ZONING ORDINANCE
REGARDING CANNABIS AND HEMP BUSINESSES**

The Board of Supervisors of the Town of Dunn ordains:

Section 1. Ag/Residential District. Section 20-030 of the Dunn Township Zoning Ordinance ("Zoning Ordinance") is hereby amended by adding the following double-underlined language:

The following land uses are allowed without any regulation or review by the Township under this Zoning Ordinance in the Ag/Residential District. By enumerating these categories in this section of this Ordinance, Dunn Township intends to establish only those official controls that are consistent with or more restrictive than the official controls of Otter Tail County, if any, pursuant to the requirements of Minn.Stat. 394.33:

1. Agricultural uses, buildings and structures, including new or expanded feedlot under 150 animal units;
2. Residential uses on any one farm, including one two-family dwelling or two single-family dwellings, including mobile or manufactured homes, used by the owners, renters or operators of the farm in connection with the farm operation.
3. Residential uses, including single-family dwellings, garages and storage structures associated with residential that meet the zoning standard requirements of this ordinance;
4. Garages used for private storage only and not for commercial purposes.
5. Essential services or utilities, including transmission and distribution lines and pipelines of public utility companies within existing public rights of way; and
6. All other uses allowed as permitted uses or conditional uses within Dunn Township by the Otter Tail County Land Use or Zoning Ordinance, if adopted and as amended from time to time by the Otter Tail County Board of Commissioners, and not otherwise regulated by this Township Ordinance.
7. Cannabis Cultivator.

Section 2. Ag/Residential District. Section 20-040 of the Zoning Ordinance is hereby amended by adding the following double-underlined language:

The following are conditional uses under this Zoning Ordinance in the Ag/Residential District.

1. The offices of members of the recognized professions, such as doctors of medicine and dentistry, chiropractors and engineers, lawyers and architects, provided such professions are carried on in their respective dwellings.
2. Federal, state or local government buildings and facilities.
3. Nursing homes, hospitals, or sanatoria.

4. Resorts and campgrounds with a minimum lot size of 60 feet by 100 feet for each resort or campground unit; and other recreation oriented commercial use.
5. Customary home occupations in the dwelling, provided that such occupation shall be carried on in the main building, and provided further that no more than 25 percent of the floor space of the dwelling is used for this purpose.
6. Churches, chapels, temples and other houses of worship.
7. Junior and senior high schools, and incidental uses when situated on the same site or unit of property.
8. Cemeteries.
9. Two-family and multi-family dwellings.
10. Junk auto and machinery salvage yards.
11. Location of a mobile home or other dwellings upon a lot which already contains a business or a dwelling. Such use shall be permitted only when it is found that it is compatible with existing nearby uses as well as with the overall plans, and it shall be presumed that such uses are incompatible with existing uses until shown to the contrary.
12. Mobile home parks and R.V. parks with a minimum lot size of 60 feet by 100 feet for each mobile home or R.V. unit.
13. Parks and playgrounds.
14. Railroad right-of-way, regional pipelines, power transmission lines and relay towers.
15. Wind Turbines and Wind Towers, consistent with the authority of the Township to regulate such uses under Minn.Stat. Sec. 216F.07, as amended from time to time.
16. Establishment and maintenance of any public firing range or public hunting area.
17. Commercial uses.
18. Animal feedlots with a capacity to hold over 150 animal units but less than 500 animal units.
19. Such other uses and structures as may from time to time be approved by the town board upon proper application.
20. Any repair, replacement, maintenance, improvement or expansion of nonconforming uses and structures in floodplain areas.
21. Platted Subdivisions and Planned Unit Developments (PUDs).
22. Cannabis Retailer.
23. Hemp Retailer.

Section 3. Commercial District. Section 20-070. 5. of the Zoning Ordinance is hereby amended by adding the following double-underlined language:

5. Permitted Uses within the Commercial District.
 - a. Commercial Agriculture.
 - b. Retail sales and/or services, with no outdoor storage.
 - c. Office complexes with no outdoor storage.
 - d. Churches.
 - e. Financial Institutions.
 - f. Mini-Storage.

- g. Nurseries/garden store.
- h. Gas and Convenience store.
- i. Contractor offices, shops and yards with no outdoor storage.
- j. All uses permitted in the Ag/Residential District.
- k. Cannabis Retailer.
- l. Hemp Retailer.
- m. Cannabis Cultivator.
- n. Medical Cannabis Combination Business.
- o. Cannabis Deliverer.
- p. Cannabis Transporter.

Section 4. Commercial District. Section 20-070. 6. of the Zoning Ordinance is hereby amended by adding the following double-underlined language:

- 6. Conditional Uses within the Commercial District.
 - a. Any business with outdoor storage.
 - b. Residential housing. (Implies exemption from setback for other commercial development).
 - c. All uses allowed as a conditional use in the Ag/Residential District.
 - d. Any uses not listed under permitted use.
 - e. Cannabis Manufacturer.
 - f. Hemp Manufacturer.
 - g. Cannabis Wholesaler.
 - h. Cannabis Testing Facility.
 - i. Cannabis Event Organizer.

Section 5. Cannabis and Hemp Businesses. Article II of the Zoning Ordinance is hereby amended by adding a new Section 20-100 with the following language:

Section 20-100: CANNABIS AND HEMP BUSINESSES.

- 1. Purpose. The purpose of this Section is to protect the public health, safety, welfare of the Town's residents, and to promote the community's interest in reasonable stability in zoning, by regulating cannabis businesses within the legal boundaries of the Town.
- 2. Authority. The Town is authorized by Minnesota Statutes, section 342.13(c) to adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business, including the adoption of zoning regulations under Minnesota Statutes, section 462.357. The Town is also authorized to register cannabis businesses under Minnesota Statutes, section 342.22 and to regulate the use of cannabis in public places under Minnesota Statutes, section 152.0263, subdivision 5. The intent of this section is to comply with the provisions of Minnesota Statutes, chapter 342 and the rules promulgated thereunder. References to statutes shall include any amendments made to those sections and includes any successor provisions.

3. Definitions. For the purpose of this Section, the following terms shall have the meaning given them in this subsection. Any term not defined in this subsection shall have the meaning given the term in Minnesota Statutes, section 342.01, or in the rules promulgated by the Minnesota Office of Cannabis Management, including any amendments made thereto.

- a. Adult-Use Cannabis Product: Has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 4.
- b. Cannabis Business: Has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 14, and includes all businesses listed thereunder. For the purposes of this section, the term also includes hemp manufacturers and hemp retailers.
- c. Cannabis Cultivator: A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.30, or such other law as may apply, to cultivate cannabis.
- d. Cannabis Event Organizer: A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.39, or such other law as may apply, to hold temporary cannabis events.
- e. Cannabis Manufacturer: A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.31, or such other law as may apply, to manufacture cannabis.
- f. Cannabis Wholesaler: A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.33, or such other law as may apply, to sell cannabis at wholesale.
- g. Cannabis Retailer: A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.32, or such other law as may apply, to sell cannabis at retail.
- h. Cannabis Testing Facility: A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.37, or such other law as may apply, to test cannabis.
- i. Cannabis Transporter: A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.35, or such other law as may apply, to transport cannabis.
- j. Cannabis Deliverer: A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.41, or such other law as may apply, to sell deliver cannabis.

- k. Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
 - l. Hemp Manufacturer: A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.43, or such other law as may apply, to manufacture lower-potency hemp edibles.
 - m. Hemp Retailer: A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.43, or such other law as may apply, to sell lower-potency hemp edibles at retail.
 - n. Lower-Potency Hemp Edible: Has the same meaning given the term in Minnesota Statutes, section 342.01, subdivision 50.
 - o. Medical Cannabis Combination Business: A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.515, or such other law as may apply, to cultivate, manufacture, package, and sell cannabis.
 - p. Office of Cannabis Management: The Minnesota Office of Cannabis Management, which has the powers and duties set out in Minnesota Statutes, section 342.02.
 - q. Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
 - r. Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
 - s. Residential Treatment Facility: Has the meaning given the term in Minnesota Statutes, section 245.462, subdivision 23.
 - t. School: A public school as defined under Minnesota Statutes, section 120A.05, or a nonpublic school that must meet the reporting requirements under Minnesota Statutes, section 120A.24.
4. Medical Cannabis Combination Business. A medical cannabis combination business shall, for the purposes of determining in which zoning districts the particular cannabis business may be located, be classified as a cannabis cultivator, cannabis manufacturer, and/or a cannabis retailer depending on the scope of its operations.

5. Buffer Zones.

- a. Buffer Distances. Except as provided below, no cannabis business shall be located or operate within:
 - i. 1,000 feet of a school;
 - ii. 500 feet of a residential treatment facility;
 - iii. 500 feet of a daycare facility;
 - iv. 500 feet of an attraction within a public park that is regularly used by minors including, but not limited to, playgrounds and athletic fields; or
 - v. 500 feet of another cannabis business.
- b. Nonconforming. A cannabis business lawfully established and operating in a location may continue to operate as a lawful nonconforming use if a school, residential treatment facility, daycare facility, or park is established within the required buffer distance. A cannabis business that becomes nonconforming is subject to the restrictions in Minnesota Statutes, section 462.357, subdivision 1 e.

6. Performance Standards. Cannabis businesses shall comply with the performance standards and restrictions set out in this Section and with all other applicable Minnesota and local laws, rules, regulations, and ordinances.

- a. Licensing. No cannabis business may operate within the Town unless it is licensed by the Office of Cannabis Management, and then only to the extent allowed by the licenses and endorsements issued to the cannabis business.
- b. Registration. No cannabis business may operate within the Town unless it is currently registered with the County, if registration of the particular type of cannabis business is required under Minnesota Statutes, section 342.22. If the County acts to suspend the registration the cannabis business shall cease all activities associated with registered business until the registration is reinstated. If the County acts to cancel a registration, the cannabis business shall cease all activities associated with the registered business.
- c. Town Zoning Ordinance. Every cannabis business shall comply with all applicable requirements of this Zoning Ordinance.
- d. Building Code. Cannabis businesses shall comply with all applicable building and fire codes.

- e. Hours of Operation. No cannabis business with a license or endorsement authorizing the retail sale of cannabis flower or cannabis products may sell cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products outside of the hours of operation established by the County. If the County does not establish specific hours of operation, the hours established in Minnesota Statutes, section 342.27, subdivision 7 shall apply.
- f. Retail Sales. Any cannabis business licensed or endorsed to sell cannabis or lower-potency hemp edibles at retail shall comply with the following:
 - i. The owner shall include a copy of the operating plan required under Minnesota Statutes, section 342.32, subdivision 3 as part of the application materials for an interim use permit for the cannabis business; and
 - ii. Comply with the prohibitions contained in Minnesota Statutes, section 342.27, subdivision 12 including, but not limited to, not operating a drive-through window, not dispensing products using a vending machine, and not making sales when the cannabis business knows that any required security or statewide monitoring system is not operational.
 - iii. All parking areas, loading areas and access drives to parking and loading areas shall be durable and dustless.
- g. Cannabis Cultivation. Any cannabis business licensed or endorsed to cultivate cannabis shall comply with the following:
 - i. The owner shall include a copy of the operating plan required under Minnesota Statutes, section 342.30, subdivision 3 as part of the application materials for an interim use permit for the cannabis business; and
 - ii. Comply with the requirements in Minnesota Statutes, section 342.25 and all applicable rules established for such operations.
- h. Lower-Potency Hemp Edibles. The sale of lower-potency hemp edibles are subject to the restrictions and requirements of this subsection.
 - i. The sale of lower-potency hemp edibles is only allowed in places that limit admission to persons 21 years of age and older.
 - ii. Lower-potency hemp edibles shall be stored in a locked case and may only be sold behind a counter.
- i. Prohibitions. No cannabis business shall operate in a manner that violates, or fails to comply with, the provisions of Minnesota Statutes, chapter 342, such other laws as may apply, and the following:

- i. No cannabis flower, cannabis products, or hemp-derived consumer products in a manner that involves the inhalation of smoke, aerosol, or vapor shall be used at any location where smoking is prohibited under Minnesota Statutes, section 144.414; and
- ii. No cannabis business authorized to sell at retail shall sell any cannabis flower or cannabis products in violation of any of the prohibitions in Minnesota Statutes, section 342.27, subdivision 12.

7. Temporary Cannabis Events

- a. Cannabis Event Permit Required. A cannabis business licensed by the Office of Cannabis Management to conduct temporary cannabis events may only conduct an event in a zoning district in which the use is allowed, and then only upon obtaining a cannabis event permit from the Township.
 - b. Consumption Prohibited. The consumption of adult-use cannabis products at a cannabis event is prohibited.
 - c. Application Process. The following procedure shall apply for seeking a cannabis event permit for an event. A separate cannabis event permit is required for each event.
 - i. The applicant must complete and submit the Township's cannabis event permit application form together with the applicable fee at least 60 days before the start of the proposed event. Incomplete applications will be returned to the applicant without processing. If the proposed cannabis event constitutes a special event under the Township's regulations, the applicant is required to follow the applicable requirements to obtain a special events permit, and such approval shall also constitute the cannabis event permit for the particular event.
 - ii. If approved, the cannabis event permit shall, at a minimum, indicate the event location, dates (not to exceed four days), daily operating hours, and the specific restrictions or requirements placed on the event. The types of restrictions and requirements placed on an event will vary depending on the anticipated size and may include, but are not limited to, traffic routing, parking, security, sanitation facilities, garbage, first aid, limitations on amplified music and public address systems, insurance coverages, and maximum attendance.
 - d. Enforcement. The Township may suspend or revoke a cannabis event permit if the event organizer fails to comply with the conditions placed on the permit in any material way after being informed of the violation and the need to correct it. The Township may deny issuing a permit to an event organizer that failed to comply with any cannabis event permit issued within the preceding three years.
8. Use in Public Places. No person shall use cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed by the OCM to permit on-site consumption.

Section 6. Incorporation of Amendments. The Town Attorney and Town Clerk are hereby authorized and directed to incorporate the amendments made by this ordinance, and any previous amendments that have not been incorporated, into the Zoning Ordinance, including updating the table of contents and making non-substantive corrections as may be needed. The Chairperson and Clerk are authorized to sign the updated ordinance, and such document shall constitute the Town's official Dunn Township Zoning Ordinance.

Section 7. Severability. Should any section or part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the ordinance as a whole or any part other than the part declared invalid.

Section 8. Effective Date. This Ordinance is effective on the first day of publication of an approved summary.

Adopted this 9th day of February, 2026.

Attest: Sandra Tingelstad
Town Clerk

BY THE TOWN BOARD

David L. Hanson
Town Chairperson

