

CITY OF LAKELAND  
WASHINGTON COUNTY  
STATE OF MINNESOTA

ORDINANCE NO. 2024-28

AN ORDINANCE ESTABLISHING REGULATIONS RELATED TO  
CANNABIS BUSINESSES IN THE CITY OF LAKELAND

THE CITY COUNCIL OF THE CITY OF LAKELAND, WASHINGTON COUNTY,  
MINNESOTA, DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1.** Title XI (Business Regulations) of the Lakeland City Code is hereby amended as follows by adding a new Chapter 117 (Cannabis Regulations):

**CHAPTER 117 – CANNABIS REGULATIONS**

*Administration*

**§ 117.01 FINDINGS AND PURPOSE.**

The City of Lakeland makes the following legislative findings:

- A. The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes the City of Lakeland to protect the public health, safety, and welfare of Lakeland residents by regulating cannabis businesses within the legal boundaries of Lakeland.
- B. The City of Lakeland finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Lakeland, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.
- C. The City Council observes that there are a number of unique factors that exist in Lakeland which make it desirable to endeavor to ensure that cannabis business are integrated into the City in a reasonable way.
  - a. Lakeland is along a major interstate corridor and is bounded, essentially, on its east by the State of Wisconsin which, at this time, does not allow cannabis uses.
  - b. Lakeland's commercial and retail corridor is long and narrow, not diffuse and broad through various parts of the city, and notable for its diversity of generally small office and/or retail uses and most structures for those uses either immediately abut residential properties or are in close proximity to them.
  - c. There are few buffers or opportunities for buffering.
  - d. These features and others could lead to a concentration of cannabis businesses, impacts on neighboring residential properties, an inordinate traffic to and for cannabis products from interstate travelers or the creation of destination and large scale sellers, warehousing and other impacts which would be undesirable.
  - e. Accordingly, the City emphasizes and hereby encourages the development of cannabis business which are integrated into the City comparable to other small users, particularly office users and retailers.

## **§ 117.02 AUTHORITY AND JURISDICTION.**

The City of Lakeland has the authority to adopt this ordinance pursuant to:

- A. 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.
- B. Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- C. Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- D. Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

This ordinance shall be applicable within the legal boundaries of the City of Lakeland.

## **§ 117.03 SEVERABILITY.**

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

## **§ 117.04 ENFORCEMENT.**

The City of Lakeland Zoning Administrator is responsible for the administration of this ordinance. Enforcement of this ordinance is subject to the City's enforcement policy and procedures. 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.

## **§ 117.05 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 meanings in this ordinance.

***CANNABIS BUSINESS.*** Any of the following commercial cannabis operations:

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 event organizer;
10. Cannabis delivery service
11. Lower-potency hemp edible manufacturing;
12. Lower-potency hemp edible retailer; or
13. Medical cannabis combination business.

***CANNABIS CULTIVATION.*** Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts.

**CANNABIS RETAIL BUSINESSES.** A retail location and the retail location(s) of a mezzobusiness with a retail operations endorsement, microbusinesses with a retail operations endorsement, and medical combination businesses operating a retail location.

**CANNABIS PLANT.** 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.

**CANNABIS PRODUCT.** Any product that involves any of the following:

1. cannabis concentrate;
2. infusion 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, including edible cannabis products.

**EDIBLE CANNABIS PRODUCT.** 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 of Cannabis Management, 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.

**HEMP-DERIVED CONSUMER PRODUCTS.** Any product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:

1. contains or consists of hemp plant parts; or
2. contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.

Hemp-derived consumer products do not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.

**LOWER-POTENCY HEMP EDIBLE.** As defined under Minn. Stat. 342.01 subd. 50, 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 (5) milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any combination of those cannabinoids that does not exceed the identified amounts;
5. does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving;
6. does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol;
7. does not contain a cannabinoid derived from cannabis plants or cannabis flower; and
8. is a type of product approved for sale by the office or is substantially similar to a product approved by the office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.

**OFFICE OF CANNABIS MANAGEMENT.** Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance.

**PUBLIC PLACE.** Any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; and other food or liquor establishments; retail stores and other commercial establishments; educational facilities other than public schools; hospitals; nursing homes; auditoriums; arenas; meeting rooms; and common areas of rental apartment buildings.

**PUBLIC PROPERTY.** Property, real and personal, that is owned, managed, or controlled by the City of Lakeland, including, but not limited to: City buildings and all the land thereon, parking lots, parks, pathways and trails, and City right-of-way consisting of both the traveled portion and the abutting boulevard, sidewalks and trails, playgrounds and any City personal property, such as motor vehicles, City equipment, and the like.

**RETAIL REGISTRATION.** An approved registration issued by the City of Lakeland to a state-licensed cannabis retail business.

**STATE LICENSE.** An approved license issued by the State of Minnesota’s Office of Cannabis Management to a cannabis retail business.

**TEMPORARY CANNABIS EVENT.** An event lasting no more than 4 days at which cannabis products, cannabis flower, lower-potency hemp edibles, and hemp-derived consumer products may be sold and for which the organizer has a cannabis event organizer license issued by the Office of Cannabis Management.

#### **§ 117.06 USE IN PUBLIC PLACES.**

- A. No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products within public property or in a public place as defined by this ordinance.
- B. All smoking, vaping, and cannabis consumption is also prohibited within 25 feet of all entrances, exits, windows and ventilation intakes of public places.

#### ***Registration and Operation of Cannabis Operations***

#### **§ 117.07 CANNABIS BUSINESS REGISTRATION & APPLICATION PROCEDURE.**

- A. *Application fee.* The City of Lakeland shall not charge an application fee.
- B. *Compliance checks prior to retail registration.* Prior to issuance of a cannabis business registration, the City of Lakeland shall conduct a preliminary compliance check to ensure compliance with local ordinances.
  - a. Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, the City of Lakeland shall certify on a form provided by OCM whether a proposed cannabis business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.
  - b. No individual or entity may operate a state-licensed cannabis business – including manufacturing, cultivation, and other commercial uses – within the City of Lakeland without first registering with the City.

- c. Any state-licensed cannabis retail business that sells to a customer or patient without valid registration shall incur a civil penalty of (up to \$2,000) for each violation.
- C. *Initial retail registration fee.* A registration fee, as established in the City of Lakeland's fee schedule, shall be charged to applicants seeking to establish a cannabis business.
  - a. An initial registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial registration fee and the first annual renewal fee.
  - b. A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.
- D. *Registration application submittal.* The City of Lakeland shall issue a registration to a state-licensed cannabis business that adheres to the requirements of Minn. Stat. 342.22.
  - a. An applicant for a registration shall fill out an application form, as provided by the City of Lakeland. Said form shall include, but is not limited to:
    - i. Full name of the property owner and applicant;
    - ii. Address, email address, and telephone number of the applicant;
    - iii. The address and parcel ID for the property which the registration is sought;
    - iv. Signature of the applicant.
  - b. The applicant shall include with the form:
    - i. The registration fee as required in the City's fee schedule;
    - ii. A copy of a valid state license or written notice of OCM license preapproval;
    - iii. A copy of the interim use permit for the proposed use on the subject property.
  - c. Once an application is considered complete, the City Clerk shall inform the applicant as such, process the application fees, and forward the application to the Zoning Administrator for approval or denial.
  - d. The application fee shall be non-refundable once processed.
- E. *Registration application approval.*
  - a. A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under 117.07(I)
  - b. A state-licensed cannabis business registration application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
  - c. A state-licensed cannabis business registration application that meets the requirements of this ordinance shall be approved.
- F. *Basis for denial of registration.*
  - a. An initial application for registration or a renewal of registration with the City will be denied if:
    - i. the applicant is under 21 years of age;
    - ii. the applicant does not have a valid license, preapproved license, or retail endorsement from OCM;
    - iii. the applicant fails to provide any of the information required on the licensing application or provides false or misleading information;
    - iv. the applicant is prohibited by state, or local law, ordinance, or other regulation from holding a registration or the registration is otherwise prohibited; or,

- v. the applicant fails a pre-application inspection by the City of Lakeland as provided under Minn. Stat. 342.22, subd. 3(b), as amended from time to time.
    - b. If a registration is mistakenly issued or renewed to any person, it will be revoked upon the discovery of ineligibility for registration under this ordinance or state or other local law, ordinance or other regulation. Any revocation will comply with the requirements of Minn. Stat. 342.22, subd. 5, as amended from time to time.
- G. *Renewal of registration.* A state-licensed cannabis business shall apply to renew registration on a form established by the City of Lakeland.
  - a. The issuance of a registration is a privilege and does not entitle the registration holder to an automatic renewal of the registration.
  - b. The City of Lakeland shall renew an annual registration of a state-licensed cannabis business at the same time OCM renews the cannabis business' license.
  - c. Any renewal registration fee imposed by the City of Lakeland shall be charged at the time of the second renewal and each subsequent renewal thereafter.
    - i. A renewal registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.
  - d. A cannabis registration issued under this ordinance shall not be transferred.
- H. *Suspension of registration.* The City of Lakeland may suspend a cannabis business's registration if it violates the Code of Ordinances or poses an immediate threat to the health or safety of the public. The City of Lakeland shall immediately notify the cannabis business in writing the grounds for the suspension.
  - a. The City of Lakeland shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide the City and cannabis business a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.
  - b. The suspension of a cannabis business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended.
    - i. The City of Lakeland may reinstate a registration if it determines that the violations have been resolved.
    - ii. The City of Lakeland shall reinstate a registration if OCM determines that the violation(s) have been resolved.
  - c. Subject to Minn. Stat. 342.22, subd. 5(e) the City of Lakeland may impose a civil penalty, as specified in the fee schedule, for registration violations, not to exceed \$2,000.
- I. *Limiting of registrations.* The City of Lakeland shall limit the number of active cannabis retail businesses registered to no more than 1 per 12,500 residents within the City of Lakeland (i.e. one permit as of the date of adoption of this Ordinance and thereafter).
  - a. When the maximum number of registrations has been issued, the City may place persons seeking registration on a waiting list and allow them to apply on a first-come, first-served basis, as registrations are not renewed or are revoked.
  - b. A new applicant who has purchased a business location with a valid registration held by a different owner will be entitled to first priority, provided the new applicant meets all other application requirements in accordance with this ordinance.

## § 117.08 LOCAL GOVERNMENT AS A CANNABIS RETAILER.

The City of Lakeland may establish, own, and operate one municipal cannabis retail business subject to the restrictions in this chapter.

The municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses under § 117.07(I).

The City of Lakeland shall be subject to all same rental license requirements and procedures applicable to all other applicants.

## § 117.09 REQUIREMENTS FOR CANNABIS RETAIL BUSINESSES.

Cannabis retail businesses, including lower-potency hemp retailers and manufacturing businesses with a retail endorsement, shall be permitted in the RB Zoning District subject to the issuance of an interim use permit.

- A. Notwithstanding anything to the contrary or otherwise stated in the zoning code, the requirements for cannabis retail businesses are subject to the restrictions of this ordinance. In the event of any conflict, the more restrictive provisions shall apply.
- B. Cannabis retail operations shall be subject to the following requirements:
  - a. *Designation of roadway boundaries for cannabis retailer establishments.* Cannabis retailers shall be prohibited everywhere in the City of Lakeland except by interim use permit in the RB-zoned parcels as follows: Lying west of St. Croix Trl, lying south of 2nd St N, lying north of the 1,000-foot boundary surrounding Afton-Lakeland Elementary School as established in 117.09(B)(c).
  - b. *Hours of operation.* The hours of operation for cannabis retail businesses shall be between 10:00am and 9:00pm daily.
  - c. *Buffer requirements.* Cannabis retail businesses shall not be allowed within the following distance buffers:
    - i. 500 feet from any cannabis or lower-potency hemp edible use, measured by a line from the nearest point on the property boundary line of the property on which the existing business is located to the nearest property boundary line of the property on which a business is proposed to be located.
    - ii. 1,000 feet from a school.
    - iii. 500 feet of a daycare, residential treatment facility, or attraction within a public park that is regularly used by minors (including a playground or athletic field).
    - iv. Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in this section shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if any of the above uses moves within the minimum buffer zone.
  - d. *Security.* Cannabis retail businesses implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, to deter and prevent the theft of cannabis or cannabis products at the commercial cannabis activity and to ensure emergency access in accordance with applicable Fire Code standards. Guard dogs shall not be used at the commercial

cannabis activity as a security measure. Security measures shall include, but not be limited to, the following:

- i. A plan to prevent individuals from loitering on the lot if they are not engaging in activity expressly related to the commercial cannabis activity.
  - ii. Twenty-four-hour emergency contact information for the owner or an on-site employee which shall be provided to the City.
  - iii. A professionally installed, maintained, and monitored alarm system.
  - iv. All cannabis and cannabis products shall be stored in a secured and locked structure and in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft, and loss.
  - v. Twenty-four-hour security surveillance cameras to monitor all entrances and exits to a commercial cannabis activity, all interior spaces within the commercial cannabis activity that are open and accessible to the public, and all interior spaces where cannabis, cash or currency is being stored for any period of time on a regular basis. The permittee for a commercial cannabis activity shall be responsible for ensuring that the security surveillance camera's footage is accessible. Video recordings shall be maintained for a minimum of ninety (90) days, and shall be made available to the City upon request.
  - vi. Sensors shall be installed to detect entry and exit from all secure areas.
  - vii. Commercial cannabis activity shall cooperate with the City and, upon reasonable notice to the commercial cannabis activity, allow the City to inspect or audit the effectiveness of the security plan for the commercial cannabis activity.
  - viii. Cannabis or cannabis products shall not be stored outside at any time.
  - ix. A cannabis business shall notify the Washington County Sheriff's Department within twenty-four (24) hours after discovering any of the following:
    1. Significant discrepancies identified during inventory.
    2. Diversion, theft, loss, or any criminal activity involving the cannabis business or any agent or employee of the cannabis business.
    3. The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the cannabis business.
- e. *Minimum required off-street parking.* Cannabis businesses and hemp businesses shall meet the minimum off-street parking requirements for the appropriate use as set forth elsewhere in this ordinance.
- f. *Signage.* Pursuant to Minn. Statute 342.64, cannabis retailers shall comply with the following advertising requirements:
- i. Cannabis businesses, hemp businesses, and other persons shall not publish or cause to be published an advertisement for a cannabis business, a hemp business, cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product in a manner that:
    1. contains false or misleading statements;



2. contains unverified claims about the health or therapeutic benefits or effects of consuming cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product;
  3. promotes the overconsumption of cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product;
  4. depicts a person under 21 years of age consuming cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product; or
  5. includes an image designed or likely to appeal to individuals under 21 years of age, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that is designed to be appealing to individuals under 21 years of age or encourage consumption by individuals under 21 years of age;
  6. contains an image of alcohol or a person or persons consuming alcohol; and
  7. does not contain a warning as specified by the office regarding impairment and health risks.
- ii. *Prohibited signs:*
1. Blinking, moving, and flashing signs that are visible from the exterior of the building.
  2. On- and off-site billboards.
  3. Signs that do not comply with the Lakeland sign ordinance and the provisions of this section, including banner and temporary signs.
- iii. Retailers may erect up to two fixed outdoor signs on the exterior of the building or property of the cannabis business or hemp business in accordance with Lakeland's Sign Ordinance.
- iv. Retailers shall not publish or cause to be published an advertisement for a cannabis business, a hemp business, cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product in any print publication or on radio, television, or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be individuals who are under 21 years of age, as determined by reliable, current audience composition data.
- g. *Location changes.* If a state-licensed cannabis retail business seeks to move to a new location still within the legal boundaries of the City of Lakeland, it shall notify the City of the proposed location change through an Interim Use Permit Amendment.
- h. *Prohibited sales and other restrictions.* In addition to the prohibitions and restrictions set forth under Minn. Stat. 342.46, subd. 7, and Minn. Stat. 342.27, subd. 12, no registered cannabis retailer, lower-potency hemp edible retailer, or medical cannabis combination business shall sell or offer to sell any approved product or medical cannabinoid product:
- i. By means of any type of vending machine;
  - ii. By means of self-service display;

1. All approved products and medical cannabinoid products, including lower-potency hemp beverages, must be stored in a locked case behind the sales counter, in a storage unit, or in another area not freely accessible by the general public.
2. This does not prohibit registered cannabis retailers from displaying single product samples pursuant to Minn. Stat. 342.27, subd. 5.
- iii. At a moveable place of business;
  1. Only fixed location businesses may sell approved products and medical cannabinoid products.
  2. Transportation and delivery of off-sale cannabis products within the City of Lakeland is permitted by licensed entities only.
- iv. That does not comply with the packaging and labeling required under Minn. Stat. 342.62 and 342.63, as may be amended from time to time;
- v. By any other means, to any other person, or in any other manner or form prohibited by state or other local law, ordinance provision, or other regulation.
- i. *Legal age.* No person shall sell any approved product to any person under the age of 21. Businesses licensed or endorsed to sell medical cannabinoid products may sell medical cannabinoid products to persons under age 21 who are enrolled in the medical registry program pursuant to Minn. Stat. 342.24, subd. 1.
- j. *Compliance checks.* All licensed premises shall be open to inspection by the Washington County Sheriff's Department, Lower St. Croix Valley Fire Department, or other authorized City official during regular business hours. The City of Lakeland shall complete, at minimum, one unannounced compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24.
  - i. Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.
  - ii. Any failures under this section must be reported to OCM.
- k. *Lower-potency hemp edibles.* Retail sales of lower-potency beverages at on-sale intoxicating liquor establishments or off-sale exclusive liquor stores with a valid City registration and State license are permitted in the RB District during the hours of operation associated with the intoxicating liquor establishment.
  - i. These establishments are not subject to the buffers as established in 117.09(B)(c).

**§ 117.10 REQUIREMENTS FOR CANNABIS CULTIVATION, PRODUCTS  
MANUFACTURING AND WHOLESALE.**

- A. Indoor cannabis cultivation (for commercial purposes), cannabis and hemp products manufacturing, and wholesale uses shall be permitted in the RB Zoning District subject to the issuance of an interim use permit.
- a. Notwithstanding anything to the contrary or otherwise stated in the zoning code, the requirements for commercial cannabis cultivation, products manufacturing, and wholesale are subject to the restrictions of this ordinance. In the event of any conflict, the more restrictive provisions shall apply.
  - b. Outdoor cannabis cultivation (for commercial purposes) is prohibited in all districts.
- B. Indoor cannabis cultivation (for commercial purposes), cannabis and hemp products manufacturing, and wholesale uses shall be subject to, without limitation, the following regulations and such others as are reasonably necessary to protect the city and neighboring properties from impacts from light, noise, traffic, odor, or excessive hours of operation and other impacts:
- a. *Designation of roadway boundaries for cannabis establishments.* Cannabis cultivation, products manufacturing, and wholesale uses shall be prohibited everywhere in the City of Lakeland except by interim use permit in the RB-zoned parcels as follows: Lying west of St. Croix Trl, lying south of 2nd St N, lying north of the 1,000-foot boundary surrounding Afton-Lakeland Elementary School as established in 117.09(B)(c).
  - b. *Building opacity.* All activities must occur in an enclosed, opaque space with no visibility from public right-of-way.
  - c. *Odor mitigation.* Production and processing facilities shall install and maintain enhanced ventilation systems designed to prevent detection of marijuana odor from adjacent properties or the public right-of-way. Such systems shall include the following features:
    - i. Installation of activated carbon filters on all exhaust outlets to the building exterior;
    - ii. Location of exhaust outlets a minimum of 10 feet from the property line and 10 feet above finished grade; and
    - iii. Maintenance of negative air pressure within the facility; or
    - iv. An alternative odor control system approved by the City Council based on a report by a mechanical engineer licensed in the State of Minnesota, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.
  - d. *Security.* Production and processing facilities shall provide adequate security on the premises, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft.
    - i. Security measures shall include, but not be limited to, the following
      1. As part of an application for a cannabis use, each applicant shall prepare and submit a security plan for review and approval by the Washington County Sheriff's Department.
      2. Twenty-four-hour emergency contact information for the owner or an on-site employee which shall be provided to the City.
      3. A professionally installed, maintained, and monitored alarm system.
    - ii. Cannabis or cannabis products shall not be stored outside at any time.

- iii. A cannabis business shall notify the Washington County Sheriff's Department within twenty-four (24) hours after discovering any of the following:
  - 1. Significant discrepancies identified during inventory.
  - 2. Diversion, theft, loss, or any criminal activity involving the cannabis business or any agent or employee of the cannabis business.
  - 3. The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the cannabis business.
- e. *Lighting*. All lighting associated with the operation shall be downcast, shielded and/or screened to keep light from emanating off-site or into the sky.
  - i. The City shall provide notice to the operator upon receiving any light pollution complaint concerning the cultivation site. Upon receiving notice, the applicant shall correct the violation as soon as possible and submit written documentation within ten (10) calendar days, demonstrating that all shielding has been repaired, inspected and corrected as necessary. Failure to correct the violation and provide documentation within this period shall be grounds for permit cancellation or administrative penalties, pursuant to Lakeland's complaint policy.
- f. *Waste management*. All fertilizers, chemicals, gases, and hazardous materials shall be handled in compliance with all applicable local, state and federal regulations. No fertilizers, chemicals, gases or hazardous materials shall be allowed to enter an on-site septic system, sanitary sewer or storm sewer system, nor be released into atmosphere where the facility is located. Waste materials generated from any facility must be disposed of in accordance with the operating plan filed as part of a cannabis license/interim use permit application and consistent with all applicable federal, state and local regulations.
- g. *Water usage*. Indoor cultivation of commercial cannabis may only be permitted if sufficient evidence submitted to the City demonstrates:
  - i. There is adequate water supply in the watershed and water rights to serve the cultivation site; and
  - ii. The premises where the cultivation of cannabis takes place shall either be connected to a public water supply or have a City-inspected and approved private water source. Cultivation of cannabis shall not utilize water that has been or is illegally diverted from any spring, wetland, stream, creek, river, lake, underground well, or body of water.
- h. *Compliance checks*. All licensed premises shall be open to inspection by the Washington County Sheriff's Department, Lower St. Croix Valley Fire Department, or other authorized City official during regular business hours.
- i. *Buffer requirements*. Cannabis cultivation/manufacturing uses shall not be allowed within the following distance buffers:
  - i. 500 feet from any cannabis or lower-potency hemp edible use, measured by a line from the nearest point on the property boundary line of the property on which the existing business is located to the nearest property boundary line of the property on which a business is proposed to be located.
  - ii. 1,000 feet from a school.

- iii. 500 feet of a daycare, residential treatment facility, or attraction within a public park that is regularly used by minors (including a playground or athletic field).
  - iv. Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in this section shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if any of the above uses moves within the minimum buffer zone.
- C. All cultivators shall comply with all provisions outlined in Minn. Stat 342.08–342.25 regarding facility security, wastewater and solid waste disposal, and ventilation and filtration. In the event of any conflict, the more restrictive provisions shall apply.

### § 117.11 TEMPORARY CANNABIS EVENTS.

- A. Temporary cannabis events shall be permitted in the RB Zoning District subject to the issuance of a certificate of compliance.
- B. *Permit Application.* Applications for a certificate of compliance to hold a temporary cannabis event must be made in writing and must contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and must be signed and sworn to or affirmed by the temporary cannabis event organizer. The application must contain and disclose the following:
- a. Applicant name, address, phone number;
  - b. A list of all cannabis business, medical cannabis business, or hemp business licenses, as those terms are defined by Minn. Stat. 342.01, held by the applicant;
  - c. Date(s) of proposed temporary cannabis event;
  - d. Duration of temporary cannabis event, including beginning and ending times;
  - e. Address of proposed temporary cannabis event;
  - f. Name of property owner, if different from applicant;
  - g. A complete copy of the cannabis event license application, submitted to the Office of Cannabis Management pursuant to Minn. Stat. 342.39 subd. 2;
  - h. Type and description of the temporary cannabis event including:
    - i. Whether the general public will be permitted to attend, and estimated number of persons to attend;
    - ii. Any public health plans, including supplying water to the site, solid waste collection and provision of toilet facilities, if applicable;
    - iii. Any fire prevention and emergency medical services plans, if applicable;
    - iv. Security plans;
    - v. The admission fee, donation, or other consideration to be charged or requested for admission, if applicable;
    - vi. Whether food or alcohol will be served or sold at the event;
    - vii. A detailed description of all public rights-of-way and private streets for which the applicant requests the City to restrict or alter normal parking, vehicular traffic or pedestrian traffic patterns, the nature of such restrictions or alterations, and the basis;
    - viii. A description of any city services, personnel or equipment which the applicant requests the City to provide, including the applicant's estimate of the number and type needed, and the basis on which the estimate is made. However, the City

retains sole discretion to determine the number and type of services required for the event;

- ix. Whether any sound amplification or public address system will be used or if there will be any playing of any music or musical instruments;
- x. A statement signed by the applicant agreeing to pay all fees and meet all other requirements of this Section;

C. *Permit Denial.* The City may deny an application for a temporary cannabis event permit if it determines from a consideration of the application or other pertinent information, that:

- a. The information contained in the application or supplemental information requested from the applicant is false or nonexistent in any material detail;
- b. The applicant fails to supplement the application after having been notified by the City of additional information or documents or additional permitting needed;
- c. The applicant fails to agree to abide or comply with all of the conditions and terms of the temporary cannabis event permit, including payment of all costs and expenses;
- d. The temporary cannabis event would substantially or unnecessarily interfere with traffic in the City, would interfere with access to the fire station or fire hydrants, or would interfere with access to businesses or residences in the immediate vicinity of the event and there are not sufficient city resources available at the time of the event to mitigate the disruption;
- e. The temporary cannabis event is of the size or nature that requires the diversion of so many law enforcement officers to properly police the event, site and contiguous areas that allowing the temporary cannabis event would unreasonably deny law enforcement protection to the remainder of the City and its residents;
- f. The proposed date and time of the temporary cannabis event conflicts with a previously scheduled event and there are not available at the time of the proposed temporary cannabis event sufficient city resources to provide services for both events without substantially or unnecessarily interfering with police, fire, water, public works, or other services to the City as a whole;
- g. The location of the temporary cannabis event will substantially interfere with any construction or maintenance work scheduled to take place upon or along public property right-of-way;
- h. The temporary cannabis event would likely endanger the public safety or health;
- i. The temporary cannabis event would substantially or unnecessarily interfere with police, fire, water, public works, or other services to the City as a whole and there are not available at the time of the proposed event sufficient city resources to mitigate the disruption;
- j. The applicant fails to comply with the liability insurance requirements or the applicant's insurance lapses or is canceled;
- k. The applicant has on prior occasions made material misrepresentations regarding the nature and extent of special services required for a temporary cannabis event in the City or has violated the terms of a prior temporary cannabis event permit.

D. *Location Restrictions.* Temporary cannabis events are prohibited:

- a. At, in or on any public place or a place of public accommodation, unless allowed by the City.

- b. If held outdoors, on any property within 1,000 feet of a school.
- E. *Hours Restrictions.* Temporary cannabis events shall only be held between the hours of 7:00 a.m. until 10:00 p.m.
- F. On-site consumption of cannabis products is not permitted.
- G. Prior to the event, the licensed temporary cannabis event organizer shall furnish a Certificate of General Liability Insurance in form satisfactory to the City in the amount of One Million Dollars (\$1,000,000.00).
- H. All temporary cannabis event must be in compliance with the City's nuisance ordinance at all times.
- I. All temporary cannabis events must follow all requirements of Minn. Stat. 342.01, et seq.

**SECTION 2.** Section 159.043 (Table of Uses) of the Lakeland City Code is hereby amended as follows. Additions are shown in **bold/underline** and deletions are shown as ~~strikethroughs~~:

Use	District			
	Agricultural A-1	Residential R-1	Residential R-3	Commercial RB
<b><u>Cannabis uses</u></b>	<b><u>...See Chapter 117...</u></b>			
Greenhouses (commercial production only)	C	C	N	C

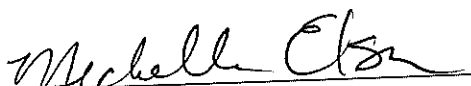
**SECTION 3.** Section 159.104 (Home Occupations) of the Lakeland City Code is hereby amended as follows. Additions are shown in **bold/underline**:

**11. Cannabis sales and products manufacturing are not permitted as a home occupation. All unlicensed sales are not permitted in the City of Lakeland.**

**SECTION 4.** This Ordinance shall be effective, after passage and publication, on January 1, 2025.

**PASSED AND ADOPTED BY THE CITY OF LAKELAND CITY COUNCIL ON THE 17<sup>th</sup> DAY OF DECEMBER 2024**

ATTEST:

  
Michelle Elsner, Clerk

CITY OF LAKELAND

  
Robert Craggs, Mayor

