



**City of Long Lake  
Hennepin County, Minnesota  
Ordinance No. 2024-\_\_\_\_\_**

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**An Ordinance Amending the City Code of Ordinances, Chapter 10 – Businesses and Product Regulation, Article VIII. Cannabis, Edible Cannabinoids and Drug Paraphernalia**

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**The City Council of the City of Long Lake does hereby ordain as follows:**

**Section 1.** The City Code of Ordinances, Chapter 10 – Business and Product Regulation, Article VIII. Cannabis, Edible Cannabinoids and Drug Paraphernalia, is repealed in its entirety and replaced as follows:

**Article VIII. CANNABIS AND CANNABIS BUSINESS REGULATIONS**

**Sec. 10-601. Purpose.**

The purpose of this ordinance is to implement the provisions of Minn. Stat. Ch. 342, and certain related regulations to protect the public health, safety and welfare of the residents of the city of Long Lake by regulating cannabis use and cannabis businesses within the legal limits of the city.

**Sec. 10-602. Definitions.**

Unless otherwise noted or specifically defined in this section, words and phrases contained in Minn. Stat. 342.01, as it may be amended from time to time, and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.

*Cannabis cultivation.* A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

*Cannabis retail businesses.* A state-licensed retail location and the retail location(s) of a mezzobusiness(es) with a retail operations endorsement, microbusiness(es) with a retail operations endorsement, medical combination business(es) operating a retail location, excluding lower-potency hemp edible retailers.

*Cannabis retailer.* Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.

*Certified medical professional.* An individual who holds a valid and active license to practice medicine or provide healthcare services within the State of Minnesota, as issued by the Minnesota

Board of Medical Practice, or other relevant state licensing authorities. This includes, but is not limited to, licensed physicians, advanced practice registered nurses (APRNs), physician assistants (PAs) or other healthcare professionals recognized by the State of Minnesota as being authorized to conduct medical evaluations, provide medical advice and respond to medical emergencies.

*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.

*Drug paraphernalia.* All equipment, products, and materials of any kind, except those used in conjunction with permitted uses of controlled substances pursuant to state law, which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products, or (3) enhancing the effect of a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products. *Drug paraphernalia* does not include the possession, manufacture, delivery, or sale of: (1) hypodermic syringes or needles or any instrument or implement which can be adapted for subcutaneous injections; or (2) products that detect the presence of fentanyl or a fentanyl analog in a controlled substance.

*Lower-potency hemp edible.* As defined under Minn. Stat. 342.01, subd. 50, as it may be amended from time to time.

*Lower-potency hemp edible retailer.* A business which sells Lower-Potency Hemp Edibles but which is not a Cannabis Retailer, as defined by this Chapter.

*Office of Cannabis Management.* The Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.

*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.

*Preliminary license approval.* OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17, as it may be amended from time to time.

*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.

*Residential treatment facility.* A facility as defined under Minn. Stat. 245.462, subd. 23, as it may be amended from time to time.

*Retail registration.* An approved registration issued by the city to a state-licensed cannabis retail business, registering a single specified retail location within the city limits.

*School.* A public school as defined under Minn. Stat. 120A.05, as it may be amended from time to time, or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24, as it may be amended from time to time.

*State license.* An approved license issued by the Office of Cannabis Management to a cannabis business.

**Sec. 10-603. Registration of cannabis businesses.**

(a) *Consent to registering of cannabis businesses.* No individual or entity may operate a state-licensed cannabis retail business or lower-potency hemp edible retail business within the corporate limits of the city without first registering with the city. With the exception of the limitations set forth in Sec. 10-603 (g)(1), all requirements of this Sec. 10-603 shall apply to lower-potency hemp edible retailers the same as they do to cannabis retail businesses.

(b) *Compliance checks prior to retail registration.*

- (1) The city may conduct a preliminary compliance check prior to issuance of a cannabis retail business registration to ensure compliance with local ordinances.
- (2) Pursuant to Minn. Stat. Ch. 342, within 30 days of receiving a copy of a state license application from OCM, the city shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

(c) *Registration and application procedure.*

(1) *Fees.*

- a. The city shall not charge an application fee.
- b. A registration fee, as established under the city's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.
  1. An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, as it may be amended from time to time, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.
  2. Any renewal retail registration fee imposed by the city shall be charged at the time of the second renewal and each subsequent renewal thereafter. A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, as it may be amended from time to time, whichever is less.
  3. 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.

(2) *Application submittal.*

- a. The city shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22 and this Article, as they may be amended from time.
  1. An applicant for a retail registration shall fill out an application form, as provided by the city. Said form shall include, but is not limited to:
    - A. Full name of property owner and applicant;
    - B. Address, email address, and telephone number of the applicant;
    - C. The address and parcel ID for the property which the retail registration is sought;
    - D. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13, as it may be amended from time to time.
  2. The applicant shall include with the form:
    - A. The application fee as required in paragraph (c)(1);
    - B. A copy of the state license application form and materials submitted to OCM.
    - C. A copy of a valid state license or written notice of OCM license preapproval.
  3. Once an application is considered complete, the city shall inform the applicant as such, process the application fees, and forward the application to the City Council for approval or denial.
  4. The application fee shall be non-refundable once processed.

(3) *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 paragraph (g).
- b. A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
- c. A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

(4) *Annual compliance checks.*

- a. The city shall complete at least 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, as they may be amended from time to time, and these ordinances.

- b. 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 person 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.

(d) *Renewal of registration.* The city shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license. A state-licensed cannabis retail business shall apply to renew registration on a form established by the city and pay the renewal fee for the registration as established in the city's fee schedule.

(e) *Transfer of registration.* A cannabis retail registration issued under this ordinance shall not be transferred.

(f) *Suspension of registration.*

- (1) *When suspension is warranted.* The city may suspend a cannabis retail business's registration if it violates the ordinance of the city or poses an immediate threat to the health or safety of the public. The city shall immediately notify the cannabis retail business in writing the grounds for the suspension.
- (2) *Notification to OCM.* The city shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide the city and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.
- (3) *Length of suspension.* The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The city may require receipt of a determination from OCM before reinstating a registration. The business may not make sales to customers if their registration is suspended. The city may reinstate a registration if it determines that the violations have been resolved. The city shall reinstate a registration if OCM determines that the violation(s) have been resolved.

(g) *Limitation on number of registrations.*

- (1) The city shall limit the number of cannabis retail businesses to the lowest number of registrations permitted by Minn. Stat. 342.13, as it may be amended from time to time, and this Article. The city shall allow no greater than one registration of a single retail location per 12,500 residents within the city limits which is not an operation owned by the city. In the event an application for registration seeks to locate within the corporate boundaries of the city and the County in which the proposed operations site is located has reached the threshold of one active registration for every 12,500 residents, the city shall not issue a registration to an operation which is not owned by the city. This limitation shall not apply to lower-potency hemp edible retailers, as defined in this Article.
- (2) The city shall limit the number of lower-potency hemp edible retailers to no more than five registrations of single retail locations within the corporate boundaries of the city. However, the limit set forth in this Sec. 10-603 (g)(2) shall not apply to a cannabis retail business legally operating within the city which is also licensed to sell lower-potency hemp edibles.

(h) *Inspections.* City officials and law enforcement have the right to inspect the premises at any time to ensure compliance with all regulations.

#### **Sec. 10-604. Restrictions on location.**

(a) No state-licensed cannabis business shall be located within 1,000 feet of a school. The distance is to be measured from the closest side of the school to the closest side of the structure on the premises within which cannabis is to be sold.

(b) No state-licensed cannabis business shall be located within 500 feet of a day care, a residential treatment facility and/or an attraction within a public park that is regularly used by minors, including a playground or athletic field. The distance is to be measured from the closest side of the day care structure, residential treatment facility structure or public park attraction regularly used by minors is located to the closest side of the structure on the premises within which cannabis is to be sold.

(c) Pursuant to Minn. Stat. 462.357, subd. 1e, as it may be amended from time to time, nothing in this Sec. 10-604 shall prohibit an active cannabis business or a cannabis business under an open and active application seeking registration from continuing an established legal operation at the same site if a school, daycare, residential treatment facility and/or an attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

(d) In the event an applicant seeks to locate a cannabis business within a zoning district which requires a conditional use permit to permit the business, the City shall deny the application as not compliant with local zoning if the applicant has not obtained a valid conditional use permit for the use, from the city.

#### **Sec. 10-605. Hours of operation.**

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles or hemp-derived consumer products between the hours of 10:00 am and 9:00 pm.

#### **Sec. 10-606. Temporary cannabis events.**

(a) *License required.* A license or permit is required to be issued and approved by the city prior to holding a Temporary Cannabis Event.

(b) *Registration and application procedure.* A registration fee, as established in the city fee schedule, shall be charged to applicants for Temporary Cannabis Events.

(c) *Application submittal and review.* The city shall require an application for Temporary Cannabis Events.

(1) An applicant for a retail registration shall fill out an application form, as provided by the city. The form shall include, but is not limited to:

a. Full name of the property owner and applicant;

- b. Address, email address and telephone number of applicant;
  - c. The address at which the event will be held; and
  - d. Other information required by the city administrator or their designee.
- (2) The applicant shall include with the form the application fee as required under paragraph (b) and a copy of the OCM cannabis event license application, submitted pursuant to Minn. Stat. 342.39, subd. 2, as it may be amended from time to time.
- (3) The application shall be submitted to the city administrator or their designee for review. If the city administrator determines that a submitted application is incomplete, he/she shall return the application to the applicant with the notice of deficiencies.
- (4) Once an application is considered complete, the city administrator shall inform the applicant of such, process the application fees and forward the application to the city council for approval or denial. The application fee shall be non-refundable once processed.
- (5) The application for a license for a Temporary Cannabis Event shall meet the following standards:
- a. Comply with buffer standards applicable to a state-licensed cannabis business as set forth in Sec. 10-604 (a) and (b).
  - b. *Security requirements.*
    - 1. A minimum of two licensed peace officers or licensed security guards per 100 attendees must be present at all times.
    - 2. The event area must be equipped with 24/7 video surveillance covering all entrances, exits, and key areas.
    - 3. Secure fencing and controlled entry points must be established to ensure only authorized individuals enter the event area.
  - c. *Operational standards.*
    - 1. Noise levels must not exceed the limits set forth in City Code.
    - 2. Effective odor control measures must be in place to ensure no detectable odor extends beyond the event premises.
  - d. *Health and safety standards.*
    - 1. At least one certified medical professional, as defined in this Chapter, must be present on-site at all times.
    - 2. Adequate sanitation facilities must be provided, including restrooms and handwashing stations, as determined by the city's Building Official.

3. A comprehensive waste management plan must be implemented to handle all event-related waste.
- e. *Inspections.* City officials and law enforcement have the right to inspect the event at any time to ensure compliance with all regulations.
- f. *Event hours.* A Temporary Cannabis Event shall only be held between the hours of 10:00 am and 9:00 pm.
- g. *On-site consumption prohibited.* On-site consumption shall not be permitted at a Temporary Cannabis Event within the city.
- h. *Location of Events.* A Temporary Cannabis Event may only be held at a location which is within a zoning district which permits cannabis retail operation and subject to the provisions of Section 10-604.

**Sec. 10-607. Civil penalties**

(a) Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of \$2,000 for each violation.

(b) Subject to Minn. Stat. 342.22, subd. 5(e), the city may impose a civil penalty of \$500 for the first violation of this chapter, \$1,000 for the second violation of this chapter within a 36 month period, and \$2,000 for the third and subsequent violations within a 36 month period.

**Sec. 10-608. Public use of cannabis and lower-potency hemp edibles prohibited.**

It is unlawful for any person to use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products as each is defined by state law, in a public place within the City of Long Lake. For the purposes of this Section, “public place” shall not include:

- (a) A private residence, including the curtilage or yard of the same;
- (b) Private property not generally accessible by the public, unless the person is explicitly prohibited from consuming cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or
- (c) The premises of an establishment licensed to permit on-site consumption, provided the use complies with the on-site consumption permitted and this Article. On-site consumption shall not be permitted at Temporary Cannabis Events within the city.

Any violation of this Section shall be a petty misdemeanor.

**Sec. 10-609. Possession of drug paraphernalia prohibited.**

It is unlawful for any person knowingly or intentionally to use or possess drug paraphernalia as defined in this Article.



**Section 2.** The City of Long Lake fee schedule is hereby amended to include the following:

**CANNABIS REGISTRATION/LICENSE FEES**

All cannabis businesses, retailers, wholesalers, cultivators, manufacturers, transporters, delivery services, and event organizers are required to maintain current state licensing or registration in compliance with Minn. Stat. Ch. 342.

**Cannabis Retail Business(es)**

Includes cannabis microbusiness(es), cannabis mezzobusiness(es), cannabis retailer(s), medical cannabis combination business(es)

*Initial Registration Fee* - \$500.00 or half the amount of the initial state license fee under Minn. Stat. 342.11, whichever is less

*Renewal Registration Fee* - \$1,000.00 or half the amount of the renewal state license fee under Minn. Stat. 342.11, whichever is less

**Lower Potency Hemp Edible Retailer (Initial Registration and Annual Renewal Fees) - \$125.00/year**

**Temporary Cannabis Event License - \$100.00**

**Section 3.** This Ordinance shall be effective upon adoption and publication according to law.

Adopted by the City Council of the City of Long Lake this \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_.

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Date of Adoption: \_\_\_\_\_  
Date of Publication: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

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ATTEST:

BY:

\_\_\_\_\_  
Jeanette Moeller, City Clerk

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Charlie Miner, Mayor