

CITY OF LAFAYETTE, MINNESOTA

ORDINANCE 151

**AN ORDINANCE AMENDING THE ZONING CODE
REGARDING CANNABIS BUSINESSES**

WHEREAS, the City of Lafayette adopted its most recent zoning ordinance on 12/27/1990, which has subsequently been codified in City Code Chapter 151, and amended; and

WHEREAS, the Council of the City of Lafayette has now determined that the zoning code requires updates due to changes in the law, and it would better serve the City and members of the public if it contained other changes related to cannabis businesses.

NOW, THEREFORE, the City Council of the City of Lafayette, Nicollet County, State of Minnesota, hereby ordains as follows:

1. Code § 151.007 CANNABIS, shall be added as follows:

(A) Administration

(1) Findings and Purpose. The City of Lafayette makes the following legislative findings:

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

The City finds and concludes that the proposed provisions are appropriate and lawful land use regulations for the City, 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.

(2) Authority & Jurisdiction. The City 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 to the legal boundaries of the City.

The City of Lafayette has delegated cannabis retail registration authority to Nicollet

County, however the City retains the authority and hereby adopts ordinances relating to the zoning, buffers, hours of operation, and number of registrations.

(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.

(4) Enforcement

The elected body of a jurisdiction can choose to designate an official to administer and enforce this ordinance. The City is responsible for the administration and enforcement of this 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.

(5) Definitions

- a. 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.
- b. 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.
- c. Cannabis Retail Businesses: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, lower-potency hemp edible retailers.
- d. 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.
- e. 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.
- f. Lower-potency Hemp Edible: As defined under Minn. Stat. § 342.01 subd. 50.
- g. Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
- h. 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.
- i. Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. § 342.17.

- j. 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.
- k. Residential Treatment Facility: As defined under Minn. Stat. § 245.462 subd. 23.
- l. Retail Registration: An approved registration issued by the County to a state-licensed cannabis retail business.
- m. School: A public school as defined under Minn. Stat. § 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. § 120A.24.
- n. State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

(B) Registration of Cannabis Businesses

(1) Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business within the City without first registering with Nicollet County.

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

Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government.

(2) Compliance Checks Prior to Retail Registration

Prior to issuance of a cannabis retail business registration, Nicollet County may conduct a preliminary compliance check to ensure compliance with local ordinances. Pursuant to Minn. Stat. chapter 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.

(3) Limiting Number of Registrations. If Nicollet County has one active cannabis retail businesses registration for every 12,500 residents, the City shall not be required to register additional state-licensed cannabis retail businesses.

(C) Requirements for Cannabis Businesses

(1) Minimum Buffer Requirements

The City hereby prohibits the operation of a Cannabis Retail Businesses within 1,000 feet of a school, or within 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.

Pursuant to Minn. Stat. § 462.357 subd. 1e, nothing in Section (C)(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/attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

(2) Zoning and Land Use. The City has limited the zone(s) that Cannabis businesses may operate in, either as permitted or conditional uses. Refer to Code §§ 151.066-151.097.

(3) 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 a.m. and between 9 p.m. every day.

(4) Temporary Cannabis Events. A cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four days. A license or permit is required to be issued and approved by Nicollet County prior to holding a Temporary Cannabis Event. The cannabis event organizer shall comply with all City regulations, including zoning, buffer, and hours of operation for the event.

2. Code § 151.066, PERMITTED USES (commercial zone), shall be amended by adding the following paragraph:

(I) Cannabis License Types: Cannabis Retailer, Cannabis Delivery Service, Lower Potency Hemp Retailer.

3. Code § 151.067, CONDITIONAL USES (commercial zone), shall be amended by adding the following paragraph:

(K) Cannabis License Types: Cannabis Cultivator (indoor), Cannabis Event Organizer, Cannabis Manufacturer, Lower Potency Hemp Edible Manufacturer, Cannabis Testing, Cannabis Wholesaler, Cannabis Transporter, Medical Cannabis Combination Business, Cannabis, Mezzobusiness, and Cannabis Microbusiness.

4. Code § 151.081 PERMITTED USES (industrial zone), shall be amended by adding the following paragraph:

(H) Cannabis License Types: Cannabis Cultivator, Cannabis Event Organizer, Cannabis Manufacturer, Lower Potency Hemp Edible Manufacturer, Cannabis Testing, Cannabis Wholesaler, Cannabis Transporter, Medical Cannabis Combination Business, Cannabis, Mezzobusiness, and Cannabis Microbusiness.

5. Code § 151.097 CONDITIONAL USES (agriculture zone), shall be amended by adding the following paragraph:

(H) Cannabis License Types: Cannabis Cultivator, Cannabis Event Organizer, Cannabis Manufacturer, Lower Potency Hemp Edible Manufacturer, Cannabis Testing, Cannabis Wholesaler, Cannabis Transporter, Medical Cannabis Combination Business, Cannabis, Mezzobusiness, and Cannabis Microbusiness.

Adopted: 3/10/ 2025

Curt Tauber, Mayor

Attest:

Sandra Burger, City Clerk

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