

**CITY OF MARSHALL
LYON COUNTY, MINNESOTA**

ORDINANCE NO. XXXX

**AN ORDINANCE AMENDING ARTICLE 42-V OF THE MARSHALL CITY CODE
TO PROHIBIT THE USE OF CANNABIS AND HEMP IN PUBLIC PLACES**

THE COMMON COUNCIL OF THE CITY OF MARSHALL DO ORDAIN:

SECTION 1. The City Council of the City of Marshall hereby supplements Article 42-V of the Marshall City Code by adding a new Section 42-114 as follows:

SECTION 42-114 – CANNABIS AND HEMP

(a) Definitions.

(i) For purposes of this article, the terms “cannabis flower,” “cannabis products,” “lower-potency hemp edibles,” and “hemp-derived consumer products” shall have the definitions given to them in Minnesota Statutes, section 342.01, as it may be amended from time to time.

(ii) For purposes of this article, “public place” is defined as any indoor or outdoor area that is used or held out for use by the public whether owned or operated by public or private interests. Pursuant to Minnesota Statutes, section 152.0263, subd. 5, “public place” does not include the following: (i) a private residence, including the person's curtilage or yard; (ii) private property not generally accessible by the public; and (iii) the premises of an establishment or event licensed to permit on-site consumption of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.

(b) Prohibition. Use of cannabis and hemp prohibited in public places.

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place. A violation of this section shall be considered a petty misdemeanor notwithstanding any other penalty provision in the city code, and the city council may establish, by resolution, a corresponding **fine in its fee schedule** for violations of this section.

SECTION 2. This ordinance shall take effect on MONTH, DATE 2023, after its passage and publication in accordance with City Charter.

Adopted by the Marshall City Council this ____ day of _____, 2023.

Bob Byrnes, Mayor

Attest:

Steven Anderson, City Clerk