

ORDINANCE NO. _____

CITY OF MARSHALL
STATE OF MINNESOTA

AN ORDINANCE AMENDING CHAPTER 42, OFFENSES AND MISCELLANEOUS
PROVISIONS, ARTICLE 42-V, OFFENSES INVOLVING PUBLIC MORALS,
SECTION 42-112 CONSUMPTION OF BEER OR LIQUOR ON STREETS AND
PUBLIC PROPERTY

The Common Council of the City of Marshall do ordain:

SECTION 1. City Code of Ordinances, Chapter 42 Offenses and Miscellaneous Provisions, Article 42-V, Offenses involving Public Morals, Section 42-112 Consumption Of Beer Or Liquor On Streets And Public Property is hereby amended to read as follows:

Section 42-112 Consumption Of Beer, Or Liquor, or Cannabinoid Products (OR Cannabis Products) On Streets And Public Property

(A) Definitions.

(1) For purposes of this section, the terms “cannabis flower,” “cannabis products,” “cannabinoid 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.

(2) For purposes of this section, public property is defined as **OPTIONS:**

• any indoor or outdoor property owned, leased, managed, or controlled by a governmental unit, including the City, and includes streets, ROWs, alleys, sidewalks, trails, parks, parking lots, buildings, and City vehicles.

• property, real and personal, that is owned, managed or controlled by the City, including, but not limited to: City buildings and all the land thereon, parking lots, parks, golf course, pathways and trails, and city rights-of-way consisting of both the traveled portion and the abutting boulevard, sidewalks and trails, and any City personal property, such as motor vehicles, city equipment, and the like. OR

• any and every place in the City excluding the following: private residences, including a person’s curtilage or yard; private property not generally accessible by the public, unless the person is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles or hemp-derived consumer products on the property by the owner of the property; and the premises of an establishment or event licensed to permit on-site consumption

(2) For purposes of this section, the term "smoking" means inhaling, exhaling, burning, vaping or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, cannabis plant, hemp plant, cannabinoid product or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.

(B) Prohibition.

(1) It is unlawful for any person to consume or possess in an unsealed container, beer or liquor on any street or other public property except city parks when and where permission has been specifically granted by a permit issued by the community services department.

(2) Except for when otherwise allowed under Minnesota Statutes Section 342.09, it is unlawful for any person to consume or smoke any (Cannabinoid Product) or (Cannabis Product) on any street or other public property except at a city sponsored or private permitted event in a city park when and where permission has been specifically granted by a permit issued by the community services department and the event is a licensed event by the Office of Cannabis Management.