



118 Central Avenue North, New Prague, MN 56071  
phone: 952-758-4401 fax: 952-758-1149

---

---

## MEMORANDUM

---

---

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** JOSHUA M. TETZLAFF, CITY ADMINISTRATOR  
KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR  
TIM APPLIN, POLICE CHIEF

**SUBJECT:** INTRODUCTION OF ORDINANCE CREATING NEW CHAPTER 132 TO THE CITY CODE RELATING TO PUBLIC USE OF CANNABIS AND HEMP PRODUCTS AND THE SMOKING OF ANY SUBSTANCE ON PUBLIC PROPERTY

**DATE:** AUGUST 18, 2023

---

As the Council is aware, at the July 17th, 2023 City Council meeting an interim ordinance (moratorium) was approved until January 1, 2025 (unless repealed earlier) so that the City can further study the effect of the state's new law regarding cannabis, specifically related to cannabis businesses regarding time/place/manner restrictions.

As noted during discussion at the City Council meeting on August 7, 2023, the law that took effect statewide on August 1, 2023 does not prohibit use (which can include smoking or ingesting cannabis) in "public spaces" but cities can prohibit use in public places, similar to how Section 110.21 of the City Code states where alcohol cannot be consumed. Public places can be defined by each city and can include parks, city property, trails, sidewalks, streets or even places of business where outdoor smoking is otherwise allowed.

At the City Council meeting the general consensus of the City Council directed staff to draft ordinance language for review at tonight's meeting that would limit only the smoking aspect of public cannabis use which was not limited by the new state law that went into effect on August 1st.

City Staff has met with the City Attorney's office and discussed a proposed ordinance which is offered for review. Staff's basis for the ordinance as written is about general wellness of the city and its citizens and as such, the draft ordinance included smoking tobacco in public places, in addition to using (both smoking and ingesting) cannabis in public places. The public places definition does not include certain areas of the golf course (within 200' of any building or within 50' of any golf course employee) or any private business locations. Additionally, smoking tobacco is specifically allowed on public streets (including sidewalks and boulevards).

Staff would like the council to review and discuss the proposed ordinance for introduction tonight which would be brought back to the next Council meeting for a second reading and adoption.

### **Recommendation**

Staff would like the Council to conduct a first reading of the proposed ordinance at tonight's meeting.

### **Attachments:**

1. Proposed Ordinance #339
2. Summary of Legal Cannabis Use as of 8/1/12
3. City Code Chapter 110.21 – Public Use of Alcohol
4. Collection of Other City/County Public Cannabis Use Bans

**ORDINANCE NO. 339**

**CITY OF NEW PRAGUE**

**AN ORDINANCE AMENDING TITLE XIII OF THE CITY CODE BY CREATING A NEW  
CHAPTER 132 AS TO THE PUBLIC USE OF CANNABIS AND HEMP PRODUCTS AND THE  
SMOKING OF ANY SUBSTANCE ON PUBLIC PROPERTY**

**The City of New Prague Ordains:**

**SECTION 1.** The recitals set forth above in this ordinance are incorporated herein by reference.

**SECTION 2.** Chapter 132 of Title XIII of the City of New Prague City Code is hereby created by adding the material as follows:

**CHAPTER 132: PUBLIC USE OF CANNABIS AND HEMP PRODUCTS AND SMOKING OF  
ANY SUBSTANCE ON PUBLIC PROPERTY**

**Section**

132.01 Definitions

132.02 Cannabis and Hemp Use Prohibited In Public Places

132.03 All Smoking and Vaporizing Prohibited on Public Property

132.04 Penalty

**132.01 DEFINITIONS:**

For purposes of this chapter, 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.

**PUBLIC PLACE:** Property owned, leased, or controlled by a governmental unit which includes, but is not limited to public parks (including ballparks, trails, playgrounds), streets (including all public right of way including sidewalks and boulevards), school property, public parking lots, public library, New Prague Utilities Commission facilities, but does not include the following:

1. The New Prague Golf Course’s outdoor space that is more than 200’ from any building held open to the public, including the clubhouse, patio, and on-course refreshment buildings;
2. a private residence including the person’s curtilage or yard;
3. 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; or
4. the premises of an establishment or event licensed to permit on-site consumption.

**132.02 CANNABIS AND HEMP USE PROHIBITED IN PUBLIC PLACES**

(A) No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place.

(B) The active smoking, inhaling, or vaporizing of cannabis flower, cannabis products, or hemp derived consumer products is prohibited when within 50 feet of any city employee within the New Prague Golf Course.

### **132.03 ALL SMOKING AND VAPORIZING PROHIBITED ON PUBLIC PROPERTY**

(A) The smoking or vaporizing of any substance, including cannabis and hemp as identified in Section 132.02 and tobacco as defined in Chapter 117, is expressly prohibited in all public places except the following:

- (1) smoking and vaporizing tobacco is not prohibited on streets (including all public right of way including sidewalks and boulevards) unless otherwise prohibited by ordinance, state, or federal law; and
- (2) smoking or vaporizing of tobacco is not prohibited while within the New Prague Golf Course.

### **132.04 PENALTY**

Violation of this section shall be a petty misdemeanor.

**SECTION 3.** This ordinance shall take effect upon its passage and publication, in accordance with Section 3.13 of the City Charter.

Introduced to the City Council of the City of New Prague, Minnesota, this 21st day of August, 2023.

The required 10 days posted notice was completed on the City Website and City Hall Bulletin Board on August 22nd, 2023.

Passed by the City Council of the City of New Prague, Minnesota, this 5th day of September, 2023 and to be published on the 14th day of September, 2023.

---

Duane J. Jirik, Mayor

*State of Minnesota* )

)ss. (CORPORATE ACKNOWLEDGMENT)

*County of Scott & Le Sueur* )

*Subscribed and sworn before me, a Notary Public this \_\_\_\_\_ day of \_\_\_\_\_, 2023.*

---

*Notary Public*

ATTEST: \_\_\_\_\_

Joshua M. Tetzlaff, City Administrator

*State of Minnesota* )

)ss.

(CORPORATE ACKNOWLEDGMENT)

*County of Scott & Le Sueur* )

*Subscribed and sworn before me, a Notary Public this \_\_\_\_\_ day of \_\_\_\_\_, 2023.*

\_\_\_\_\_  
Notary Public

THIS INSTRUMENT DRAFTED BY:

Kenneth D. Ondich

City of New Prague

118 Central Ave. N.

New Prague, MN 56071

(952) 758-4401

## **Summary of Legal Cannabis Use as of 8/1/23**

A 21 year old can possess (but not on school property, state correctional facilities, federal property):

- 2 ounces of cannabis flower
- 8 grams of concentrate
- 800 mg of edible products
- 2 pounds of flower in your private residence.
- In vehicle trunk or area not normally occupied by driver if opened (similar to open container alcohol law)

A 21 year old can use:

- At private residence, including yard
- At private property, unless the owner prohibits
- Events licensed to permit on-site consumption (to be determined by Office of Cannabis Management).
- No limit on public use unless a municipality passes an ordinance

**For comparison purposes, below is the restriction on alcohol use in certain public areas.**

**§ 110.21 CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON STREETS, PUBLIC PROPERTY, AND PRIVATE PARKING LOTS TO WHICH THE PUBLIC HAS ACCESS.**

It is unlawful for any person to consume, or possess in an unsealed container, any alcoholic beverage on any (1) city park playground area, (2) street or highway, (3) sidewalk or (4) private parking lot to which the public has access, except on such premises or location when and where permission has been specifically granted or licensed by the Council. This section shall not apply to the possession of an unsealed container in a motor vehicle when the container is kept in the trunk of such vehicle if it is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk.

(A) For the purpose of this section, a utility or glove compartment shall be deemed to be within the area occupied by the driver or passengers.

(B) For the purpose of this section, a **PLAYGROUND AREA** is the area within a city park designated for outdoor play or recreation, especially by children, and containing recreational equipment such as slides and swings.

(Ord. 179, passed 5-3-93; Am. Ord. 221, passed 7-9-07) Penalty, see § 10.99

**CHAPTER 110 - ORDINANCE REGULATING THE USE OF CANNABIS AND  
CANNABIS-DERIVED PRODUCTS IN PUBLIC PLACES**

**THE CITY OF BATTLE LAKE HEREBY ORDAINS AS FOLLOWS:**

**§110.01 PURPOSE AND INTENT**

- A. This Ordinance is adopted by the City of Battle Lake City Council for the purpose of protecting public health and safety by REGULATING/PROHIBITING the use of Cannabis and cannabis derived products in public places and places of public accommodation within the City of Battle Lake.
- B. By enacting the 2023 Session Law, Chapter 63, H. F. No. 100 [hereinafter referred to “State Legislation”], the Minnesota Legislature passed the adult-use cannabis bill. Under that bill, the adult use, possession and personal growing of cannabis will become legal on August 1, 2023.
- C. State legislation authorizes the adoption of a local ordinance establishing a petty misdemeanor offense for public use of cannabis. See State Legislation Sec. 19, Minn. Stat. 152.0263, Subd. 5, or successor statute.
- D. The City wishes to be proactive in protecting public health and safety by enacting regulations that will mitigate threats presented to the public by the public use of cannabis.
- E. The City of Battle Lake (hereinafter “the City”) recognizes the risks that unintended access and use of cannabis products present to the health, welfare, and safety of youth in the City of Battle Lake.

**§110.02 SECTION 2. DEFINITIONS**

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meaning ascribed to them except where the context clearly indicates a different meaning.

- A. **Adult-use cannabis flower.** “Adult-use cannabis flower” means cannabis flower that is approved for sale by the State Office of Cannabis Management or is substantially similar to a product approved by the office. Adult-use cannabis flower does not include medical cannabis flower, hemp plant parts, or hemp-derived consumer products.
- B. **Adult-use cannabis products.** “Adult-use cannabis products” means a cannabis product that is approved for sale by the State Office of Cannabis Management or is substantially similar to a product approved by the office. Adult-use cannabis product includes edible cannabis products but does not include medical cannabinoid products or lower-potency hemp edibles.
- C. **Cannabis flower.** “Cannabis flower” means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.
- D. **Cannabis product.** “Cannabis product” means any of the following:
  - 1. cannabis concentrate;
  - 2. a product infused 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.

**E. Hemp-derived consumer products.**

1. “Hemp-derived consumer products” means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:
2. contains or consists of hemp plant parts; or
3. contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.
4. Hemp-derived consumer products does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.

**F. Lower-potency hemp edible. A “lower-potency hemp edible” means 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 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.

**G. Public place.** A “public place”, means a public park or trail, public street or sidewalk, any enclosed, indoor area used by the general public, including, but not limited to, theaters, restaurants, bars, food establishments, places licensed to sell intoxicating liquor, wine, or malt beverages, retail businesses, gyms, common areas in buildings, public shopping areas, auditoriums, arenas, or other places of public accommodation.

**H. Place of public accommodation.** “Place of public accommodation” means a business, refreshment, entertainment, recreation, or transportation facility of any kind, whose goods, services, facilities privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.”

**I. Exceptions to public place or place of public accommodation.** “A public place” or “a place of public accommodation” does not include the following:

1. a private residence, including the individual’s curtilage or yard.
2. a private property, not generally accessible by the public, unless the individual 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; or
3. on the premises of an establishment or event licensed to permit on-site consumption.

**J. Smoking.** “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar,

**K.** cigarette, pipe, or any other lighted or heated product containing cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products. Smoking includes carrying or using an activated electronic delivery device for human consumption through inhalation of aerosol or vapor from the product.



### **§110.03. PROHIBITED ACTS**

- A. No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use cannabis flower and adult-use cannabis products. See State Legislation Sec. 9 Minn. Stat. 342.09 Subd. 1(2) or successor statute. See also State Legislation Minn. Stat. 342.09 Subd. 1(7)(iii) or successor statute, and State Legislation Sec. 19 Minn. Stat. 152.0263, Subd. 5, or successor statute.
- B. No person shall vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol, or vapor would be inhaled by a minor. See State Legislation Sec. 9 Minn. Stat. 342.09, Subd. 1 (7)(b)(9) or successor statute.

**§ 110.99 PENALTY.** Any person who violates any provision of this chapter shall be subject to criminal penalties as provided in § 10.99 of this code.

### **§110.03. SEVERABILITY**

If any section or provision of this ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

This ordinance shall take effect upon passage and publication as provided in by law.  
Passed and adopted by the Battle Lake City Council this 8<sup>th</sup> day of August 2023.

CITY OF BATTLE LAKE

ATTEST:

---

Rich Bullard, Mayor

---

Valerie Martin, Clerk/Treasurer

**COUNTY OF  
BECKER**

STATE OF  
MINNESOTA

ORDINANCE No.: \_\_\_\_\_

**ORDINANCE REGULATING THE USE OF CANNABIS  
AND CANNABIS DERIVED PRODUCTS IN PUBLIC  
PLACES**

THE \_\_\_\_\_ COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS  
AS FOLLOWS:

**SECTION 1. PURPOSE AND INTENT**

This Ordinance is adopted by the \_\_\_\_\_ County for the purpose of protecting public health and safety by REGULATING/PROHIBITING the use of Cannabis and cannabis derived products in public places and places of public accommodation within \_\_\_\_\_ County.

Minnesota Session Law 2023, Chapter 63, effective in relevant part August 1, 2023, establishes that the adult use, possession and personal growing of cannabis is legal subject to the requirements and restrictions of Minnesota Statutes.

Minnesota Session Law 2023, Chapter 63, Art. 4, section 19, codified as Minn. Stat. 342.0263, subd. 5 authorizes the adoption of a local ordinance establishing a petty misdemeanor offense for public use of cannabis.

The County intends to be proactive in protecting public health and safety by enacting an ordinance that will mitigate threats presented to the public and public health by the public use of cannabis.

\_\_\_\_\_ County (hereinafter “the County”) recognizes the risks that unintended access and use of cannabis products and exposure to cannabis and its effects present to the health, welfare, and safety of members of the public and in particular the youth of the County.

**SECTION 2. DEFINITIONS**

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them except where the context clearly indicates a different meaning.

- (a) **Adult-use cannabis flower.** “Adult-use cannabis flower” means cannabis flower that is approved for sale by the Minnesota Office of Cannabis Management or is substantially similar to a product approved by the office. Adult-use cannabis flower does not include medical cannabis flower, hemp plant parts, or hemp-derived consumer

products.

(b) **Adult-use cannabis products.** “Adult-use cannabis products” means a cannabis product that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis product includes edible cannabis products but does not include medical cannabinoid products or lower-potency hemp edibles.

(c) **Cannabis flower.** “Cannabis flower” means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

(d) **Cannabis product.** “Cannabis product” means any of the following:

- (1) cannabis concentrate;
- (2) a product infused 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.

(e) **Hemp derived consumer products.**

(1) “Hemp derived consumer products” means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:

- (i) contains or consists of hemp plant parts; or
- (ii) contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.

(2) Hemp-derived consumer products does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.

(f) **Lower-potency hemp edible.** A “lower-potency hemp edible” means 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 milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabitol, 25 milligrams of cannabitol, 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.

(g) **Public place.** A “public place” means a public park or trail, public street or sidewalk, any enclosed, indoor area used by the general public, including, but not limited to, theaters, restaurants, bars, food establishments, places licensed to sell intoxicating liquor, wine, or malt beverages, retail businesses, gyms, common areas in buildings, public shopping areas, auditoriums, arenas, or other places of public accommodation.

(h) **Place of public accommodation.** “Place of public accommodation” means a business, refreshment, entertainment, recreation, or transportation facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.”

(i) **Exceptions to the definition of public place or place of public accommodation.** “A public place” or “a place of public accommodation” does not include the following:

- (1) a private residence, including the individual’s curtilage or yard.
- (2) a private property, not generally accessible by the public, unless the individual 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; or
- (3) on the premises of an establishment or event licensed to permit on-site consumption.

(j) **Smoking.** “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products. Smoking includes carrying or using an activated electronic delivery device for human consumption through inhalation of aerosol or vapor from the product.

### SECTION 3. PROHIBITED ACTS

**Subd. 1.** No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp- derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products. *See Minnesota Session Law 2023, Chpt. 63, Art. 1, Sec. 9 codified as Minn. Stat. 342.09, subd. 1(2) and 342.09, subd.1 (7)(iii) and Art. 4, Sec. 19 codified as Minn. Stat. Sec. 152.0263, subd. 5.*

**Subd. 2.** No person shall vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol, or vapor would be inhaled by a minor. *Minnesota Session Law 2023, Chpt. 63, Art. 1, Sec. 9 codified as Minn. Stat. Sec. 342.09, subd. 1 (7)(b)(9).*

### SECTION 4. PENALTY

**Subd. 1. Criminal Penalty.** A violation of this ordinance shall be a petty misdemeanor punishable by a fine of up to \$300. Nothing in this ordinance shall prohibit the United States,

the State of Minnesota, or the County from investigating or prosecuting any other activity that is a crime under any other federal or state statute or county ordinance.

**Subd.2.** An alleged violation or violation of this ordinance may be investigated by a peace officer as defined in Minn. Stat. 626.84, Subd. 1. Any alleged violation or violation of this ordinance shall be prosecuted by the Office of the \_\_\_\_\_ County Attorney.

#### **SECTION 5. SEVERABILITY**

If any section or provision of this ordinance is held invalid, such invalidity will not affect any other section or provision that can be given force and effect without the invalidated section or provision.

#### **SECTION 6. EFFECTIVE DATE**

This ordinance shall be in full force and effect immediately from and after its passage and publication as required by law.

ADOPTED by the \_\_\_\_\_ County Board of Commissioners this \_\_\_\_\_ day of \_\_\_\_, 2023.

\_\_\_\_\_  
\_\_\_\_\_ County Board Chair

Attest: \_\_\_\_\_  
\_\_\_\_\_ County \_\_\_\_\_

ORDINANCE NO. 2023-04

AN ORDINANCE OF THE CITY OF **GRAND MARAIS**, MINNESOTA,  
REGARDING ALCOHOL AND CANNABIS USE IN PUBLIC SPACES

THE CITY COUNCIL OF THE CITY OF GRAND MARAIS DOES ORDAIN THAT  
(deleted material is lined out; new material is underlined; subsections which are not being  
amended are omitted; sections which are only proposed to be re-numbered are only set forth  
below as to their number and title):

SECTION 1. Grand Marais City Code, Chapter 130: Miscellaneous Regulations, is  
hereby amended with the following new section, as follows:

**§ 130.08 Use of Certain Cannabis Products in Public**

A. Pursuant to Minn. Stat. § 152.0263, subd. 5, no person shall unlawfully use or consume  
cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer  
products in a public place in the PR, DW, H61, and MU Zone Districts of the city, including,  
but not limited to, any public street, sidewalk, alley, parking lot, park, or open space.

B. Exceptions. This section shall not apply to:

1. A private residence, including the person's curtilage or yard;
2. 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; or
3. The premises of an establishment or event licensed to permit on-site consumption.

C. Penalty. Any person violating this section shall be guilty of a petty misdemeanor.

D. Seizure and Impoundment.

1. All cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived  
consumer products used or consumed in violation of this section shall be seized and  
impounded as evidence of such violation.
2. Such evidence shall be destroyed upon a plea of guilty or other disposition with  
regard to such violation.



SECTION 2. Grand Marais City Code, Chapter 113: Intoxicating Liquor, is hereby amended, as follows:

**§ 113.60 Drinking On Streets, Alleys And Sidewalks**

~~In the C-1 Zone District~~ In the PR, DW, H61, and MU Zone Districts of the city, no person shall, upon the streets, sidewalks or alleys, or in any parking lot adjacent to such public streets, sidewalks or alleys, or in any public park or open space, or being a trespasser upon the private premises of another, drink, consume, or have in his or her possession in an open container, any intoxicating liquor, intoxicating malt liquor, 3.2% malt liquor, wine or alcoholic beverage of any kind whatsoever.

**§ 113.64 Violations**

Any person violating any provision of this subchapter is guilty of a petty misdemeanor.

SECTION 3. That this ordinance shall take effect upon passage and publication.

Passed by the City Council of the City of Grand Marais this 26<sup>th</sup> day of July, 2023.

\_\_\_\_\_  
Tracy Benson, Mayor

Attest: \_\_\_\_\_  
Michael Roth, City Administrator

**CITY OF LE CENTER**  
**COUNTY OF LE SUEUR**  
**STATE OF MINNESOTA**

**ORDINANCE NO. 2023-4**

**AN ORDINANCE PROHIBITING THE USE OF TETRAHYDROCANNABINOL (THC)  
PRODUCTS IN PUBLIC PLACES**

WHEREAS, the City Council for the City of Le Center, Le Sueur County, Minnesota, is empowered under Minnesota Law to provide regulations for the general welfare and benefit of its residents; and

WHEREAS, the Minnesota Legislature recently enacted a law authorizing the recreational use of Tetrahydrocannabinol (THC) products and further, said law allows municipalities the authority to regulate and prohibit the public use of the same; and

WHEREAS, the City Council does hereby and herein ORDAIN as follows:

1. There shall be no public consumption of Cannabinoids, Cannabinoid products, products having a Cannabinoid Profile, products having a Cannabis Concentrate, Intoxicating Cannabinoids, Lower-Potency Hemp Derived Edibles, Synthetic Cannabinoids, or Tetrahydrocannabinol (THC) products, as those products are defined in Chapter 68, M.S.A. Section 342.01, as amended from time to time, in the City of Le Center at the following locations:
  - a. Any city owned or city leased property including the grounds, parking lot, or structures thereon;
  - b. City Hall;
  - c. City's Public Works Building;
  - d. Fire Hall;
  - e. Police Station;
  - f. Municipal Liquor Store;
  - g. Any Park;
  - h. Any Beach;

- i. Any Playground;
- j. Any Ballfield;
- k. Any Concession Stand;
- l. School grounds;
- m. Fair grounds
- n. Library grounds;
- o. Any sidewalk;
- p. Any parking lot;
- q. Any cemetery;
- r. Any festival or farmers market;
- s. Any street or sidewalk;
- t. Any other place where the public is invited to gather.

- 2. Penalty: A violation of this ordinance shall be a petty misdemeanor, punishable by a fine of \$290.

Upon motion made, duly seconded, and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

---

Christian Harmeyer, Mayor

ATTEST:

---

Dan Evans, City Administrator

ORDINANCE NO. \_\_\_\_

**CITY OF LAKEVILLE**  
**COUNTY OF DAKOTA, MINNESOTA**

**AN ORDINANCE AMENDING TITLE 5, CHAPTER 2 OF THE LAKEVILLE  
CITY CODE CONCERNING THE PUBLIC USE OF HEMP AND CANNABIS  
PRODUCTS**

THE CITY COUNCIL OF THE CITY OF LAKEVILLE, MINNESOTA ORDAINS:

**SECTION 1.** Title 5, Chapter 4 of the Lakeville City Code is amended to add a new Section 5-2-4 “Public Use of Hemp and Cannabis Products” to read as follows:

**Section 5-2-4 Public Use of Hemp and Cannabis Products**

**5-2-4-1 Definitions**

The definitions in Minn. Stat. § 342.01 apply to this section. In this section:

**CANNABIS FLOWER:** The harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

**CANNABIS PRODUCT:** Any of the following: (1) cannabis concentrate; (2) a product infused 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. Cannabis product includes adult-use cannabis products, including but not limited to edible cannabis products and medical cannabinoid products.

**LOWER-POTENCY HEMP EDIBLE:** 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 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 of Cannabis Management or is substantially similar to a product approved by that Office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.

**HEMP-DERIVED CONSUMER PRODUCT:** A 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.

**PUBLIC PLACE:** Property owned, leased, or controlled by a governmental unit and private property that is regularly and frequently open to or made available for use by the public in sufficient numbers to give clear notice of the property's current dedication to public use but does not include the following:

- (1) a private residence including the person's curtilage or yard;
- (2) 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; or
- (3) the premises of an establishment or event licensed to permit on-site consumption.

**5-2-4-2 Prohibited Activity**

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place.

**5-2-4-3 Penalty**

Violation of this section shall be a petty misdemeanor.

**SECTION 2. Effective Date.** This ordinance shall be effective immediately upon its passage and publication.

**ADOPTED** by the City Council of the City of Lakeville, Minnesota this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**CITY OF LAKEVILLE**

BY: \_\_\_\_\_  
Luke Hellier, Mayor

ATTEST:

\_\_\_\_\_  
Ann Orlofsky, City Clerk



## City Attorney

### PURPOSE MEMO

TO: Mayor, City Council, City Administrator, Chief of Police  
FROM: Mark M. Walbran  
DATE: August 4, 2023  
RE: Prohibit Use of Cannabis Products in Public Places

---

#### Purpose:

Request the Council adopt Proposed Ordinance 23-14, to prohibit use of cannabis products in public spaces within the City of Owatonna.

#### Background:

The Council approved the first reading of this proposed ordinance during their last meeting on August 2, 2023. Additional “public places” were added to Section 93.033 Definition of Public Places as discussed during the first reading of this proposed ordinance.

#### Budget Impact:

None.

#### City Staff Recommendation:

Staff recommends the City Council adopt Proposed Ordinance 23-14 to become effective upon passage and publication.

Proposed Ordinance No. 23-14

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE IX, CHAPTER 93: HEALTH AND SANITATION;  
NUISANCES, BY ADDING THERETO NEW SECTION 93.030  
PROHIBITING THE USE OF CANNABIS IN PUBLIC PLACES

THE CITY COUNCIL OF THE CITY OF OWATONNA, DO ORDAIN:

Section 1. Title IX of the 2015 Ordinance Code of the City of Owatonna, as amended, is hereby amended by adding Chapter 93.030, to read as follows:

**CHAPTER 93.030: USE OF CANNABIS IN PUBLIC**

**§ 93.031 FINDINGS OF CITY COUNCIL.**

- A. In 2023, the Minnesota Legislature passed a package of laws, Chapter 63—H.F. No. 100 of the Minnesota 2023 Regular Session, that legalizes adult-use cannabis in Minnesota, (collectively, “2023 Cannabis Laws”); and
- B. Among those laws, the Legislature enacted Minn. Stat. § 152.0263, subd. 5 pursuant to which the city is authorized to adopt an ordinance establishing a petty misdemeanor offense for a person who unlawfully uses cannabis flour, cannabis products, lower-potency edibles, or hemp-derived consumer products in a public place.
- C. According to the Federal Centers for Disease Control and Prevention, (CDC) second-hand marijuana smoke contains tetrahydrocannabinol (THC), the compound responsible for most of marijuana’s psychoactive effects or the “high”. THC can be passed to infants and children through second-hand smoke, and people exposed to second-hand marijuana smoke can experience psychoactive effects, such as feeling high. Children exposed to THC are potentially at risk for negative health effects. Further, research shows that marijuana use during adolescents can impact the developing teenage brain and cause problems with attention, motivation, and memory.

**NOW, THEREFORE, pursuant to Minnesota Statutes, Section 152.0263, subd. 5, the City Council of the City of Owatonna do ordain:**

**§ 93.032 UNLAWFUL USE**

It is unlawful to use cannabis flour, cannabis products, lower-potency hemp edibles and hemp-derived consumer products, as defined in Minn. Stat. § 342.01, in public places anywhere in the city.

**§ 93.033 DEFINITION OF PUBLIC PLACE**

As used in this section “public place” includes, but is not limited to, public parks, county fairgrounds, ballparks, trails, streets, or rights-of-way, alleys, sidewalks, boulevards, school

property, parking lots, beach, pier, golf courses, Owatonna Public Library, the West Hills, Owatonna Public Utilities facilities, United States Post Office, and any other developed or undeveloped city owned property.

#### **§ 93.034 DEFINITION OF NON-PUBLIC PLACES**

Non-public places include the following:

- a. Private residence, including the curtilage and yard; and
- b. Private property not generally accessible by the public, unless a person is explicitly prohibited from consuming cannabis flour, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; and
- c. The premises of an establishment or event licensed to permit on-site consumption of cannabis flour, cannabis products, lower-potency hemp edibles or hemp-derived consumer products;

#### **§ 93.035 VIOLATION**

A violation of this section is a petty misdemeanor as defined in Ordinance § 10.99(A)(b). This section may be enforced by the City as an administrative offense pursuant to City Ordinance § 10.99(B) subject to the civil penalty provided in the City's Fee Schedule. An administrative offense is not a crime.

Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023, with the following roll call vote:

AYE:

NO:

ABSENT:

Approved and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

---

Thomas A. Kuntz, Mayor

ATTEST:

---

Kris M. Busse, City Administrator/City Clerk/Treasurer



ORDINANCE NO. \_\_\_\_\_

**CITY OF WACONIA, COUNTY OF CARVER, STATE OF MINNESOTA**

**AN ORDINANCE CREATING CHAPTER 515 OF THE CITY OF WACONIA CODE OF ORDINANCES  
PROHIBITING THE USE OF CANNABIS PRODUCTS IN PUBLIC PLACES IN THE CITY OF WACONIA**

The City Council of the City of Waconia does ordain:

**Section 1. ADOPTION OF ORDINANCE**

That a new chapter 515 of the City of Waconia Code of Ordinances is hereby adopted which reads as follows:

**CHAPTER 515**

**USE OF CANNABIS IN PUBLIC PLACES**

**Section**

515.01	Findings and Purpose
515.02	Definitions
515.03	Prohibited Acts
515.04	Penalty

**515.01 Findings and Purpose**

This Chapter regulates the use of cannabis products in public places to protect the health, safety, and general welfare of the residents of the City.

The Minnesota legislature amended Minnesota law in 2023 to legalize the use of certain cannabis products. The new law is a comprehensive legislation which introduced new regulations for cannabis businesses, taxes on the sale of cannabis products, and regulations on the adult use of cannabis products; and

The new law leaves the regulation of the use of cannabis in public places to local governments; and

The new law provides, in the section to be numbered MN Stat. § 152.0263 sub.5, that local governments may enact an ordinance making the unlawful use of cannabis products a petty misdemeanor offense; and

Pursuant to its general police powers, set forth in Minn. Stat. § 421.221, subd. 32, the City may provide for laws which promote public health, safety, and general welfare; and

The City Council finds that it is in the best interest of the City and its residents, and conducive to the promotion of public health, safety, and welfare to regulate the use of cannabis products in public places within the City;

### 515.02 Definitions

The following terms, as used in this Chapter, shall have the meanings stated in this section:

“Cannabis” means cannabis flower, cannabis products, lower-potency hemp edibles and hemp-derived consumer products, as defined in Minn. Stat. Section 342.01

“Public places” means all areas contained within the City boundaries, except the following:

- A. Private residences, including the curtilage and yard; and
- B. Private property not generally accessible by the public, unless a 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
- C. The premises of an establishment or event licensed to permit onsite consumption of cannabis flower, cannabis products, lower-potency hemp edibles or hemp-derived consumer products.

### 515.03 Prohibited Acts

The use of cannabis in public places anywhere in the City is unlawful and prohibited.

### 515.04 Penalty

Violation of this Chapter is a petty misdemeanor. Violations of this Chapter will be subject to the general penalty provisions of Chapter 102.

### **Section 2. EFFECTIVE DATE**

This ordinance shall become effective upon passage and of publication of its adoption as provided by law.

Passed and adopted by the City Council of the City of Waconia this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Nicole Waldron, Mayor

ATTEST: \_\_\_\_\_

Jacqueline Schulze, City Clerk

M/\_\_\_\_\_

Gleason \_\_\_\_\_

S/\_\_\_\_\_

Grengs \_\_\_\_\_

Sorensen \_\_\_\_\_

Waldron \_\_\_\_\_

Yetzer \_\_\_\_\_