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MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: PUBLIC USE OF CANNABIS DISCUSSION
DATE: JULY 28, 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the July 17th, 2023 City Council meeting an interim ordinance (moratorium) was approved until January 1, 2025 (unless repealed earlier) so that the City can further study the effect of the state's new law regarding cannabis, specifically related to cannabis businesses regarding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. Since that time, staff has been continuing the research the new cannabis law and during a webinar with the League of Minnesota Cities on July 25, 2023, learned that cities may want to consider another ordinance regarding use of cannabis in public places. While the moratorium addresses the operation of cannabis businesses, it does nothing for the city regarding the use or possession of cannabis which becomes legal on August 1st. The following is legal as of August 1st:

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).

The law does not prohibit use (which can include smoking or eating 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.

Staff would like the Council's opinion on whether to restrict the public use of cannabis in certain areas. Staff would need time to work with the City Attorney to draft specific language but likely could have a draft back to the Council for review on August 21st.

Recommendation

Staff would like the Council to discuss whether city staff should pursue drafting an ordinance to prohibit use of cannabis in certain public areas.

Attachments:

City Code Chapter 110.21

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