

Cannabis Use on Public Property and Public Places



July 27, 2023

Role of Cities – Cannabis Use

- Beginning Aug. 1, 2023, the legislation will allow Minnesotans 21 and older to possess and use certain amounts of cannabis and cannabis products.
- Beginning Aug. 1, 2023, a city may adopt an ordinance establishing a petty misdemeanor offense for a person who unlawfully uses cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place other than the following:

Role of Cities – Cannabis Use

- A private residence including the person's yard.
- Private property not generally accessible by the public, unless the person is explicitly prohibited from consuming cannabis products on the property by the owner of the property.
- The premises of an establishment or event licensed to permit on-site consumption.

Background

- On July 13, the City Council discussed the staff recommendation to enact cannabis use restrictions on Public Property and Public Places.
- Directed staff and City Attorney's office to prepare the Ordinance.
- Draft Ordinance has been prepared as directed and was publicly posted for the required ten days.

Key Ordinance Provisions - Definitions

Public Place

Property that is generally open to or accessible by the public, except on those premises licensed by the State of Minnesota to permit on-site consumption.

Key Ordinance Provisions - Definitions

Public Property

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.

Key Ordinance Provisions - Prohibition

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

Tonight's Recommended Action

- **Pass an Ordinance Amending Chapter 130 of the City Code, Entitled “General Offenses” by Adding Section 1530.09 Regarding Cannabis Use Within Public Property and Public Places (*Recommend waiving second reading.*)**

Questions?

