

Ordinance No. _____

**An Ordinance Creating City Code Prohibiting the Use of Cannabis
in Public Places**

WHEREAS, on May 30, 2023, Governor Tim Walz signed into law House File 100 relating to the possession, sale, and adult use of cannabis; and

WHEREAS, House File 100 authorizes local units of government to adopt ordinances 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 certain public places; and

WHEREAS, the City of Osakis, Minnesota, is a local unit of government that is committed to providing safe and healthy environments; and

WHEREAS, as part of that commitment, the City has already determined that the use of tobacco products, including electronic delivery devices, in its parks is detrimental to the health and safety of its community and has, therefore, prohibited the use of such products in and on City-controlled parks; and

WHEREAS, as part of that commitment, the City has also prohibited the consumption of any alcoholic beverage, except malt liquor and wine in its parks and other public places except during licensed Community Festivals; and

WHEREAS, as part of that commitment, the City has recognized that, based on the most reliable and up-to-date scientific evidence, the rapid introduction of newly legalized adult-use cannabis products presents a significant potential threat to the public health, safety, and welfare of the residents of Osakis, and particularly to youth; and

WHEREAS, the City has the opportunity to be proactive and make decisions that will mitigate this threat and reduce exposure of young people to cannabis and related products and to the marketing of these products and improve compliance among cannabis users with laws prohibiting the use of such products in public places; and

WHEREAS, in keeping with its commitment to providing safe

and healthy environments, the City regulates the sale of products containing tetrahydrocannabinol; and

WHEREAS, the City Council for the City of Osakis, Minnesota has determined that the use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products is detrimental to the health and safety of its community and that prohibiting such use in public places is consistent with the City's commitment to providing safe and healthy environments.

NOW, THEREFORE, the City Council for the City of Osakis, Minnesota hereby ordains that the following Section _____ of the Osakis City Code shall be and hereby is adopted as follows.

Section _____ **Prohibition of Cannabis Use in Public Places.**

Subd. 1. **Definitions.**

A. For the purposes of this section, the definitions included in Minnesota Statutes, Section 342.01, as enacted by the 93rd Legislature of the State of Minnesota in House File 100, and as the same may be amended from time to time, shall apply.

B. "Public Place." For the purposes of this section, the term "Public Place" shall mean any and all public places within the City of Osakis, including but not limited to any public street, avenue, boulevard, right of way, road, alley, sidewalk, park, trail, parking lot, beach, pier, building, and municipal liquor store. Provided, however, that the following shall not be considered a Public Place:

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.

Subd. 2. Use in Public Places Unlawful.

A. It shall be unlawful for any person to use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a Public Place.

B. Any person who violates this Section shall be guilty of a petty misdemeanor and fined up to \$300.00 or the maximum amount for a petty misdemeanor allowed by state law.

This Ordinance shall be effective upon its final passage and publication.

Adopted by the City Council of the City of Osakis on this _____, by the following vote:

YES:

NO:

ABSENT:

Daniel Wessel, Mayor

ATTEST: _____
Angela A. Jacobson, Clerk-Treasurer