

ORDINANCE NO. 1652

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 tetrahydrocannabinols (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 15th day of August, 2023, with the following roll call vote:
Aye: Raney, Voss, Burbank and Boeke
No: Dotson
Absent: Svenby and Schultz

Approved and signed this 15th day of August, 2023.


Thomas A. Kuntz, Mayor

ATTEST:


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