



Request for Council Action

SUBJECT: **Consideration of Ordinance Prohibiting Use of Cannabis Products in Public Places**

MEETING DATE: July 24, 2023
ITEM TYPE: Regular Business
CONTACT: Bridget Nason, City Attorney

ACTION REQUESTED

The Council is asked to consider the first reading of the attached Ordinance, prohibiting the use of cannabis products in public places within the city.

BACKGROUND

Adult use of cannabis becomes legal in Minnesota on August 1. Use of certain cannabis products in public spaces is not explicitly prohibited by the legislation which legalized adult use of cannabis, but cities are authorized to adopt ordinances prohibiting the use of certain cannabis products in public places.

The attached ordinance has been prepared for the Council's consideration, should it wish to exercise this option in all or some public places within the city. As currently drafted, the ordinance includes a broad definition of public places, including city buildings, parking lots, parks, sidewalks and trails. The Council has the option to proceed with that definition or, if it prefers, to narrow the scope of public places where cannabis use is prohibited to a smaller scope, such as just parks. Similarly, the attached ordinance is currently drafted to prohibit the use of all soon-to-be legal cannabis products in public places, but the Council could opt to prohibit the use of some, while allowing the use of others. For example, the ordinance could be rephrased to prohibit just the smoking of cannabis products in public places while still allowing the consumption of edibles.

The discussion around the use of cannabis in public places includes issues of public health, such as concerns about non-users being exposed to a substance used to get high via second-hand smoke. There are also public safety concerns and the potential desire to discourage use in public places as one means of reducing the number of people who get behind the wheel of a vehicle after using cannabis.

The proposed ordinance that is attached was modeled after ordinance language from other metro-area cities, specifically the cities of Apple Valley and Prior Lake.

FISCAL IMPACT

n/a

RECOMMENDATION

The Council is asked to discuss and determine whether it would like to proceed with an ordinance prohibiting the use of all or some cannabis products in all or some public places within the city.

If there is a desire to adopt an ordinance that would be in effect when the new state law related to cannabis use takes effect on August 1, a unanimous vote (5/5 vote) of the Council would be needed to waive the City's three-reading requirement for ordinances.

The ordinance itself requires only a simple majority to adopt (3/5 vote).

If an ordinance is adopted, a resolution of summary publication is also attached, which requires a super-majority vote to approve (4/5).

ATTACHMENTS

1. Draft Ordinance - Prohibiting Cannabis Use in Public Places
2. Resolution Approving Summary Publication