



**CITY OF MARSHALL**

**Special Meeting**

**A g e n d a**

**Monday, July 31, 2023 at 5:30 PM**  
**City Hall, 344 West Main Street**

**APPROVAL OF AGENDA**

**NEW BUSINESS**

1. Emergency Ordinance Prohibiting the Use of Cannabis in Public Places

**ADJOURN**

**Disclaimer: These agendas have been prepared to provide information regarding an upcoming meeting of the Common Council of the City of Marshall. This document does not claim to be complete and is subject to change.**

## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Pamela Whitmore/Sharon Hanson
<b>Meeting Date:</b>	Monday, July 31, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Emergency Ordinance Prohibiting the Use of Cannabis in Public Places
<b>Background Information:</b>	<p>The Minnesota State Legislature passed bill H.F. 100, signed into law by Minnesota Governor Tim Walz on May 30, 2023, legalizing the possession, use, transportation, and cultivation of cannabis and cannabis products in the State of Minnesota, effective August 1, 2023. The new law, amongst other things, allows a person of 21 years of age or older to: (1) use, possess, or transport cannabis paraphernalia; (2) possess 2 ounces or less of cannabis flower in a public place; (3) possess 2 pounds or less of cannabis flower in a person's residence; (4) possess or transport 8 grams or less of adult-use cannabis concentrate; (5) possess or transport edible products infused with a total of 800 milligrams or less of tetrahydrocannabinol; and (6) cultivate up to 8 cannabis plants, of which four or fewer may be mature, flowering plants provided they are in an enclosed, locked space that is not open to public view and H.F. 100 is silent on whether cannabis can be used or smoked in public places other than public places governed by the Minnesota Clean Indoor Air Act (MICA).</p> <p>Per Section 3.09 and 3.11 of the Marshall City Charter, the City Council of the City of Marshall may pass an emergency ordinance for the immediate preservation of the public peace, health, morals, safety, or welfare. The Legislature recognized concerns raised about the exposure of Cannabis use to youth and adopted Minn. Stat. § 342.13 to allow cities to regulate the distance of Cannabis retailers from an attraction within a public park that is regularly used by minors, including a playground or athletic field. 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 Marshall, and particularly to youth.</p> <p>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</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	To approve Ordinance 23-019 an emergency ordinance prohibiting the use of cannabis and cannabis products in public places.



**DIVISION OF PUBLIC SAFETY  
MARSHALL POLICE DEPARTMENT**

611 W. Main Street  
Marshall, MN 56258-0477  
Phone: (507) 537-7000  
FAX: (507) 537-6034

July 28, 2023

Dear Mayor Byrnes:

This letter is regarding the legalized-adult use of cannabis in Minnesota which goes into effect on August 1<sup>st</sup>, 2023. Under the new law, outdoor smoking of cannabis and hemp products can occur in most public areas such as our parks and sidewalks. At the July 25<sup>th</sup>, 2023, Marshall City Council meeting an introduction of an ordinance prohibiting the use of cannabis and hemp in public places was discussed and eventually sent back to the Law and Ordinance Committee for further discussion.

Because of the impact that public smoking of cannabis and hemp could have on our community, I am requesting that you consider having further discussions with Council in advance of August 1<sup>st</sup>, to ensure the health and social fabric of our community is not compromised. The public use of cannabis and hemp in our parks and public areas, which will begin in four days, may have adverse implications for our children.

As your Director of Public Safety, I have always valued the opinions of others and respected the processes of City government. However, with the legalization and allowed public use of cannabis and hemp to happen within days, I feel it is important we take immediate action to ensure our city and community remain safe and strong.

Sincerely,

James Marshall  
Director of Public Safety

CC: Sharon Hanson

**CITY OF MARSHALL  
LYON COUNTY, MINNESOTA**

**ORDINANCE NO. 23-019**

**AN EMERGENCY ORDINANCE PROHIBITING THE USE OF CANNABIS AND  
CANNABIS PRODUCTS IN PUBLIC PLACES**

**PREAMBLE:**

**WHEREAS**, The Minnesota State Legislature passed bill H.F. 100, signed into law by Minnesota Governor Tim Walz on May 30, 2023, legalizing the possession, use, transportation, and cultivation of cannabis and cannabis products in the State of Minnesota, effective August 1, 2023;

**WHEREAS**, The new law, amongst other things, allows a person of 21 years of age or older to: (1) use, possess, or transport cannabis paraphernalia; (2) possess 2 ounces or less of cannabis flower in a public place; (3) possess 2 pounds or less of cannabis flower in a person's residence; (4) possess or transport 8 grams or less of adult-use cannabis concentrate; (5) possess or transport edible products infused with a total of 800 milligrams or less of tetrahydrocannabinol; and (6) cultivate up to 8 cannabis plants, of which four or fewer may be mature, flowering plants provided they are in an enclosed, locked space that is not open to public view; and

**WHEREAS**, H.F. 100 is silent on whether cannabis can be used or smoked in public places other than public places governed by the Minnesota Clean Indoor Air Act (MICA);

**WHEREAS**, in order to prevent the use of cannabis and cannabis products in public places, the City Council of the City of Marshall must pass an ordinance prohibiting such use and imposing criminal penalties; and

**WHEREAS**, pursuant to Section 3.09 and 3.11 of the Marshall City Charter, the City Council of the City of Marshall may pass an emergency ordinance for the immediate preservation of the public peace, health, morals, safety or welfare; and

**WHEREAS**, the City, aware of concerns about use of intoxicating products in public spaces, has set parameters for use of alcohol in parks and City owned facilities in Article -VII; and

**WHEREAS**, the City recognizes that the Legislature discussed the health and safety risk of Cannabis use to youth and adopted Minn. Stat. §120B.215 entitled EDUCATION ON CANNABIS USE AND SUBSTANCE USE which focuses on educating middle school and high school students on the health effects on children and adolescents of cannabis use and substance use; and

**WHEREAS**, the Legislature recognized concerns raised about exposure of Cannabis use to youth and also adopted Minn. Stat. § 342.13 to allow cities to regulate the distance of Cannabis retailers from an attraction within a public park that is regularly used by minors, including a playground or athletic field; and

**WHEREAS**, as part of that same 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 Marshall, 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**, to preserve the public peace, health, morals, safety, and welfare, the City Council of the City of Marshall declares that the use of cannabis and cannabis products in public places constitutes an emergency that requires an emergency ordinance to be enacted.

NOW THEREFORE, THE COMMON COUNCIL OF THE CITY OF MARSHALL DO ORDAIN:

**SECTION 1: Definitions.**

(i) For purposes of this article, the terms “cannabis flower,” “cannabis products,” “lower-potency hemp edibles,” and “hemp-derived consumer products” shall have the definitions given to them in Minnesota Statutes, section 342.01, as it may be amended from time to time.

(ii) For purposes of this article, “public place” is defined as any indoor or outdoor area that is used or held out for use by the public whether owned or operated by public or private interests. Pursuant to Minnesota Statutes, section 152.0263, subd. 5, “public place” does not include the following: (i) a private residence, including the person's curtilage or yard; (ii) private property not generally accessible by the public; and (iii) the premises of an establishment or event licensed to permit on-site consumption of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.

**SECTION 2: Prohibition. Use of cannabis and hemp prohibited in public places.**

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place. A violation of this section shall be a petty misdemeanor offense, punishable by a fine of \$200.

**SECTION 3.** Pursuant to Section 3.11 of the Marshall City Charter, this ordinance shall take effect immediately upon its passage and violations of this Ordinance will be able to be prosecuted as soon as twenty-four (24) hours after publication of this ordinance by the City Clerk as provided by Section 3.09 of the City Charter.

Adopted by the Marshall City Council this 31<sup>st</sup> day of July 2023.

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor