

**City of Mayer
Ordinance 240**

**An Ordinance Amending Chapter 130 of the Mayer City Code
Regarding the Public Use of Cannabis and Hemp**

THE CITY COUNCIL OF THE CITY OF MAYER, MINNESOTA, DOES ORDAIN:

Section 1. Finding and Purpose:

1. By enacting 2023 Session Laws Chapter 63, the Minnesota Legislature enacted Minn. Stat. Chapter 342, legalizing adult-use cannabis.
2. The new law prohibits the smoking use of cannabis only in areas where smoking is prohibited under the Minnesota Clean Indoor Air Act (“MCIAA”).
3. The new law also enacted Minn. Stat. 152.0263, authorizing the City to limit the use of cannabis in public places and establish that such use is a petty misdemeanor offense.
4. The MCIAA prohibits smoking in enclosed, indoor areas open to the public. Minn. Stat. 144.413–.414. The MCIAA defines smoking to include the use of nicotine, tobacco, marijuana, or other plants. Minn. Stat. 144.413, subd. 5.
5. The MCIAA does not prohibit smoking in outdoor public places but permits cities to enact and enforce more stringent measures than the MCIAA to protect the public health. Minn. Stat. 144.417, subd. 4.
6. Pursuant to its general police powers, including but not limited to Minn. Stat. 421.221, subd. 32, the City may enact regulations to promote the health, safety, order, convenience, and general welfare of the City.
7. The City Council finds it necessary to prohibit smoking in and around public parks to protect individuals at those outdoor public places from secondhand smoke or from involuntary exposure to aerosol or vapor from electronic delivery devices.

Section 2. The City Council of the City of Mayer hereby amends Chapter 130 of the Mayer City Code to include a new Section, 130.04 “Public Use of Cannabis and Hemp” to read as follows:

130.04 Public Use of Cannabis and Hemp

- (A) Definitions. The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cannabis means any product containing the harvested flower, bud, leaves, or stems of a plant of the genus *Cannabis* that has a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis. Cannabis includes adult-use cannabis flower, medical cannabis flower, and any derivative, concentrate, extract, resin, or other product made from a cannabis plant.

Hemp means any product containing the harvested flower, bud, leaves, or stems of a plant of the genus Cannabis that has a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis. Hemp includes any derivative, concentrate, extract, resin, or other product made from a hemp plant.

Electronic Device means any product containing or delivering a substance intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic delivery device includes but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor.

Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product that is intended for inhalation. Smoking includes using an electronic delivery device.

Public Place means all City owned buildings, parks, streets, sidewalks, alleys, and trails.

- (B) Minn. Stat. 152.0263, as amended from time to time, allows the use of cannabis in these places:
- (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;
 - (3) the premises of an establishment or event licensed to permit on-site consumption.
- (C) Prohibited Activity. No person shall consume cannabis or hemp, in any form, in a public place. City Code Chapter 95 shall supersede regarding specific exceptions for public parks.
- (D) Penalty. Violation of this section shall be a petty misdemeanor.

Adopted by the City Council of the City of Mayer on this 9th day of October, 2023.

Attest:

Mayor

City Clerk