

ORDINANCE NO. 23-XXXX
AN ORDINANCE AMENDING THE CITY CODE
AMENDING CHAPTER 38 OF THE CITY CODE
ADDING ARTICLE VII, PROHIBITING CANNABIS USE WITHIN PUBLIC PLACES

The City Council of the City of Champlin hereby ordains as follows:

Section 1. City Code Chapter 38 is amended to add Article VII, and shall read as follows:

ARTICLE VII. CANNABIS USE PROHIBITED.

(a) Definitions: For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC PLACE. Property owned, leased, or controlled by a governmental unit including the City but does not include:

- (1) a private residence, including the person's curtilage or yard;
- (2) private property not generally accessible to 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.

Public places include but are not limited to: City buildings and all the land thereon, parking lots, parks, pathways and trails, and city rights-of-way consisting of both the traveled portion and the abutting boulevard, sidewalks and trails, any city owned cemetery grounds or related property, and any City personal property, such as motor vehicles, city equipment, and the like.

CANNABIS FLOWER, CANNABIS PRODUCT, LOWER-POTENCY HEMP EDIBLES, and HEMP-DERIVED CONSUMER PRODUCTS shall have the meanings as defined in Minn. Stat. §342.01 (enacted under Minnesota Laws 2023), which include:

CANNABIS FLOWER: The harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

CANNABIS PRODUCT(S): Any of the following: (1) cannabis concentrate; (2) a product infused with cannabinoids, including but not limited to

tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower; or (3) any other product that contains cannabis concentrate. Cannabis product includes adult-use cannabis products, including but not limited to edible cannabis products and medical cannabinoid products.

LOWER-POTENCY HEMP EDIBLE: Any product that (1) is intended to be eaten or consumed as a beverage by humans; (2) contains hemp concentrate or an artificially derived cannabinoid, in combination with food ingredients; (3) is not a drug; (4) consists of servings that contain no more than five milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any combination of those cannabinoids that does not exceed the identified amounts; (5) does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving; (6) does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol; (7) does not contain a cannabinoid derived from cannabis plants or cannabis flower; and (8) is a type of product approved for sale by the Office of Cannabis Management or is substantially similar to a product approved by that Office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.

HEMP-DERIVED CONSUMER PRODUCT: A product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and (1) contains or consists of hemp plant parts; or (2) contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.

(b) **Prohibition:** No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products within a public place.

(c) **Penalty:** A violation of this section is a petty misdemeanor.

Sec. 38-250. Severability.

If any section or provision of this ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

Sec. 38-2511. Effective Date.

This ordinance shall take effect form and after its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CHAMPLIN THIS ____
DAY OF _____, 2023.

APPROVED:

Ryan Sabas
Mayor of Champlin

ATTEST:

Julie Tembreull
City Clerk