

**AN ORDINANCE AMENDING CITY CODE, CHAPTER 601.030, ADDING SECTION G
PROHIBITING CANNABIS, TOBACCO, AND NICOTINE USE WITHIN CERTAIN
PUBLIC PLACES**

601.030 Public Nuisances Affecting Health, Comfort, or Repose. The following are hereby declared to be public nuisances affecting health, comfort or repose:

E. Cannabis, Tobacco, and Nicotine use in Certain Public Places Prohibited.

1. *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 the City of Willernie. Public Places include but are not limited to: City buildings and all the land thereon, parking lots, parks, beaches, pathways and trails, and city rights-of-way consisting of both the traveled portion and the abutting boulevard, sidewalks and trails, and any City personal property, such as motor vehicles, city equipment, and the like. Public Place 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.

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).

TOBACCO PRODUCTS and NICOTINE SOLUTION PRODUCTS shall have the meanings as defined in Minn. Stat. § 297F.01.

2. *Prohibition.* No person shall smoke, vape, consume, or otherwise use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place. No person shall smoke or vape any tobacco products or nicotine solution products in a public place.
3. *Penalty.* A violation of this section is a petty misdemeanor.

EXHIBIT A

1004.016 Interim Moratorium Ordinance.

- A. *Purpose.* Pursuant to Minnesota Statutes, Section 342.13 (e), an interim ordinance is hereby adopted authorizing the City to conduct a study regarding the impacts of cannabis businesses and uses to determine whether and what revisions to the Willernie City Code of Ordinances or other regulations on the time, place, and manner of cannabis business operations are warranted for the purpose of protecting the planning process and the health, safety, and welfare of the citizens of Willernie.
- B. *General Provisions.* The interim ordinance prohibits the operation of cannabis business within the City of Willernie.
- C. *Duration.* This ordinance will be effective until January 1, 2025.
- D. *Enforcement.* Violation of any portion of this ordinance shall be a misdemeanor punishable by imprisonment for up to 90 days and a fine of \$1,000.00 or both, plus the costs of prosecution. Each day that a violation occurs shall be considered a separate offense. The City may enforce any provision of this ordinance by mandamus, injunction or any other appropriate civil remedy in any court of competent jurisdiction.
- E. *Separability.* Every section, provision or part of this ordinance is declared separable from every section, provision or part of this ordinance. If any section, provision, or part of this ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this ordinance.

1004.017 Moratorium Effective Date. This ordinance shall be in full force and effect from and after its passage and publication according to law.