

**ORDINANCE NO. 36, 4th SERIES**

**AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, AMENDING CITY CODE CHAPTER 130: GENERAL OFFENSES BY ADDING SECTION 130.08 CONCERNING THE USE OF CANNABIS PRODUCTS IN PUBLIC PLACE WITHIN THE EAST GRAND FORKS CITY LIMITS AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 10.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.**

THE CITY OF EAST GRAND FORKS DOES ORDAIN AS FOLLOWS:

**SECTION 1:** The East Grand Forks City Code is amended to include the following:

**SECTION 130.08 PROHIBITION OF USE OF CANNABIS PRODUCTS IN PUBLIC PLACE**

*(A) Definitions*

The definitions in Minn. Stat. 342.01 apply to this section. In this section :

**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:** 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.

**CERTAIN CANNABINOID PRODUCTS:** Any product legalized under Minn. Stat. §151.72.

**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.

**PUBLIC PLACE:** Property owned, leased, or controlled by a governmental unit and private property that is regularly and frequently open to or made available for use by the public in sufficient numbers to give clear notice of the property's current dedication to public use but does not include: a person's dwelling

house or premises, including the person’s curtilage or yard; 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; or the premises of an establishment or event licensed to permit on sit-consumption.

*(B) Prohibited Activity*

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or certain cannabinoid products in a public place.

*(C) Penalty*

Violation of this section shall be a petty misdemeanor punishable to the maximum extent authorized in Minn. Stat. §412.231 and Minn. Stat.§609.0332.

Section 3. City Code Chapter 10 entitled "General Provisions" and Section 10.99 are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 4. This ordinance shall take effect and be in force from and after its passage and publication and be given the Number 36, 4th Series.

*Voting Aye: Riopelle, Helms, Olstad, Larson, Vetter, and Pokrzywinski.*

*Voting Nay: None.*

*Absent: Peterson.*

ATTEST:

PASSED: August 15, 2023

\_\_\_\_\_  
City Administrator

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President of Council

I hereby approve the foregoing Ordinance this 15<sup>th</sup> day of August, 2023.

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Mayor