

MEMO

TO: Sunfish Lake Mayor and Council
FROM: Timothy J. Kuntz, City Attorney
DATE: September 28, 2023
RE: Ordinance Prohibiting Cannabis Use in City Public Parks – Musser Park and Harmon Park

SECTION 1. BACKGROUND.

On the agenda for October 3, 2023, there is an action item relating to the use of cannabis within the city. The new law is voluminous and complex. For purposes of local government control, the process can be somewhat simplified by understanding that local government (City) can adopt (if the City so chooses) an ordinance establishing a petty misdemeanor offense for using, consuming or smoking marijuana (cannabis) in a public place. The new Minnesota Statute §152.0263 subd. 5 provides:

Subd. 5. Use of cannabis in public. A local unit of government may adopt an ordinance establishing a petty misdemeanor offense for a person who unlawfully uses cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place provided that the definition of public place does not include the following: **(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; or **(3)** the premises of an establishment or event licensed to permit on-site consumption.

SECTION 2. COUNCIL ACTION.

The attached Ordinance prohibits use of cannabis or use of hemp-derived consumer products within the public parks of Musser Park and Harmon Park.

City of Sunfish Lake
Dakota County, Minnesota

ORDINANCE NO. 23-_____

**AN ORDINANCE AMENDING THE SUNFISH LAKE CITY CODE BY ENACTING AND
ADDING SUNFISH LAKE CITY CODE CHAPTER 612,
PROHIBITING CANNABIS USE AND PROHIBITING USE OF HEMP-DERIVED
CONSUMER PRODUCTS WITHIN THE PUBLIC PARKS OF MUSSER PARK AND
HARMON PARK LOCATED WITHIN THE CITY OF SUNFISH LAKE**

The City Council of Sunfish Lake does ordain:

SECTION 1. AMENDMENT OF CITY CODE. The Sunfish Lake City Code is hereby amended to adopt and enact Chapter 612 to read as followed:

CHAPTER 612

**PROHIBITING CANNABIS USE AND PROHIBITING USE OF HEMP-DERIVED
CONSUMER PRODUCTS WITHIN THE PUBLIC PARKS OF MUSSER PARK AND
HARMON PARK LOCATED WITHIN THE CITY OF SUNFISH LAKE**

Section 612.01. Definitions. The following definitions shall apply in the interpretation and enforcement of this Chapter 612:

Subd. 1. "Artificially derived cannabinoid" shall have the meaning as defined in Minn. Stat. §342.01.

Subd. 2. "Cannabis flower" and "cannabis products" shall have the meanings as defined in Minn. Stat. §342.01.

Subd. 3. "Hemp-derived consumer products" shall have the meanings as defined in Minn. Stat. §342.01.

Section 612.03. Prohibition. No person shall use cannabis flower or cannabis products or artificially derived cannabinoids or hemp derived consumer products within the public parks of Musser Park and Harmon Park located in the city of Sunfish Lake.

Section 612.05. Penalty. A violation of this Chapter 612 is a petty misdemeanor and is subject to petty misdemeanor penalties.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Adopted by the City Council of the City of Sunfish Lake this ____day of _____,
2023.

CITY OF SUNFISH LAKE

Dan O'Leary, Mayor

ATTEST:

Christy Wilcox, City Clerk