

**ORDINANCE NO. 191**

**CITY OF BAGLEY  
STATE OF MINNESOTA**

**AN ORDINANCE PROHIBITING PUBLIC USE OR CONSUMPTION OF  
CANNABIS IN A PUBLIC PLACE IN THE CITY OF BAGLEY**

**WHEREAS**, the 2023 Legislature, through HF100/SF73 (the “Act”) has defined and redefined types of intoxicating and nonintoxicating products derived from hemp plants and the Cannabis plant. The Act defines Cannabinoid as “any of the chemical constituents of hemp plants or cannabis plants that are naturally occurring, biologically active, and act on the cannabinoid receptors of the brain. Cannabinoid includes but is not limited to tetrahydrocannabinol and cannabidiol”. The Act also defines Cannabinoid Product to mean a cannabis product, a hemp-derived consumer product, or a lower-potency hemp edible.

**WHEREAS**, the Act authorizes the City to enact an ordinance that would make it a petty misdemeanor (maximum penalty being a \$300.00 fine) for a person who unlawfully uses cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place (“Use of Cannabis in a Public Place”) provided that the definition of a 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 property by the owner of the property; or (3) The premises of an establishment or event licensed to permit on-site consumption.

**WHEREAS**, the City of Bagley finds and concludes is that prohibiting Use of Cannabis in a Public Place serves the best interests of the community and provides for the safety, health, and general welfare of the public.

**NOW THEREFORE BE IT ORDAINED** by the City Council for the City of Bagley that Bagley City Code Section 130.04 be and hereby is established as follows:

**Sec. 130.04. Use of Cannabis in a Public Place.**

**Subd. 1. Purpose.** The purpose of this section is to discourage and reduce public use of certain cannabis products on public property.

**Subd. 2. Definitions.** For purposes of this section, the following terms have the meanings given:

A. The terms “cannabis flower”, “cannabis products”, “lower-potency hemp edibles”, or “hemp-derived consumer products” shall having the same meanings given to them under the Act, namely HF100/SF73, which has been adopted by the 2023 Minnesota Legislature and signed into law.

B. The term “public place” includes a building or place, whether privately or publicly owned, generally accessible to the public, including but not limited to private property or a private parking lot, to which the public has access, or any building or place subject to the primary control of any public agency, including but not limited to any park, street, alley, sidewalk, public way, cemetery, schoolyard, or open space adjacent thereto and any lake, pond, or stream. However, the term “public place” does not mean: a private residence, 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 property by the owner of the property; or the premises of an establishment or event licensed to permit on-site consumption.

**Subd. 3. Prohibited Acts.**

A. It is unlawful for a person to use or consume cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place.

B. Penalty. Violation of any provisions of this subdivision shall be a petty misdemeanor punishable under Minnesota Statutes, Section 609.02, Subd. 4a.

C. Severability. If any portion of this subdivision is held invalid, the remaining provisions shall be considered severable and shall be given effect to the maximum extent possible.

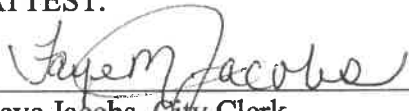
This ordinance shall take effect upon the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Adopted this 11 day of October, 2023.



Sidney Michel, Mayor

ATTEST:

  
Faye Jacobs, City Clerk

Published in the Farmers Independent October 18, 2023