

Section 812 – Limiting the Use of Cannabis in Public Places

Section 812:01. Definitions.

For the purpose of this Ordinance, the following terms are defined:

1. City. The “City” is the City of Foley, State of Minnesota.
2. Person. A “person” is any individual, natural human being, partnership, corporation, firm, company, association, society, or group.
3. Cannabis Flower. “Cannabis Flower” shall have the same meaning as defined in Minn. Stat. § 342.01, subd. 16, or its successor statute.
4. Cannabis Products. “Cannabis Products” shall have the same meaning as defined in Minn. Stat. § 342.01, subd. 20, or successor statute.
5. Hemp-derived consumer products. “Hemp-derived consumer products” shall have the same meaning as defined in Minn. Stat. §342.01, subd. 37, or successor statute.
6. Lower-potency hemp edibles. “Lower-potency hemp edibles” shall have the same meaning as defined in Minn. Stat. §342.01, subd. 50, or successor statute.
7. Park. “Park” shall mean:
 - a. Any park, parkway, zoological or horticultural garden, recreation open space, lake or other waters, golf course, swimming pool, athletic field, trails and pathways, or
 - b. Any other area owned, improved, maintained, operated, or otherwise controlled by the City of Foley for recreation and natural resource preservation purposes.
8. Place of Public Accommodation. “Place of Public Accommodation” means a business or a refreshment, entertainment, recreation, or transportation facility of any kind whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.
9. Public Place. “Public Place” means:
 - a. Any outdoor area or indoor area, whether privately or publicly owned, to which the public has access by right of invitation, expressed or implied. This includes but is not limited to theaters, restaurants, bars, food establishments and their decks, places licensed to sell intoxicating liquor, wine, or malt beverages, retail businesses, gyms, common areas in buildings, public shopping areas, auditoriums, arenas, or other places of public accommodation;
 - b. Any Park or Public Recreation Area;
 - c. Any City-owned or leased property.
 - d. A “Public Place” does not include the following:
 - i. a private residence, including the person's curtilage or yard;
 - ii. private property not generally accessible by the public unless the person is explicitly prohibited from consuming regulated products on the property by the owner of the property; or
 - iii. the premises of an establishment or event licensed to permit on-site consumption.
10. Regulated Products. “Regulated Products” means cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.

11. Smoking. “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products. Smoking includes carrying or using an activated electronic delivery device for human consumption through inhalation of aerosol or vapor from the product.

Section 812:02. Restriction of Use of Regulated Products.

Subd. 1. A Person shall not use regulated products in a Public Place.

Subd. 2. A Person shall not vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol, or vapor would be inhaled by a minor.

Section 812:03. Criminal Penalty.

Violation of this Ordinance shall be a petty misdemeanor. A fine of not more than \$300.00 may be imposed.

Section 812:04. Severability.

The provisions of this Ordinance shall be severable and should any court of competent jurisdiction adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

Chapter VIII of the 1974 Code of Ordinances was amended by adding Section 812:00 by Ordinance Number 477, passed, adopted and effective February 13, 2024.