CITY OF RUTHTON
STATE OF MINNESOTA

ORDINANCE 2023-03

AN ORDINANCE PROHIBITING THE USE OF MARIJUANA PRODUCTS IN PUBLIC PLACES AND SCHOOL ZONES IN THE CITY OF RUTHTON

THE CITY COUNCIL FINDS the following to be true and correct and in accordance with the requirements of the Ruthton City Code (the "Code") for the purposes below ORDAINED:

1. Effective August 1, 2023, the legislature and governor of the State of Minnesota enacted a law allowing recreational use of marijuana and marijuana products by persons over 21 years of age. This law did provide that local governments may make the consumption of marijuana and marijuana products in a public place a petty-misdemeanor.

2. The use of marijuana and marijuana products in public places in the City of Ruthton sets a poor example for the young people in the City of Ruthton to follow, as well as other adults to follow. It is basic psychology that the more often a person observes others consuming substances in public which used to be illegal, the less that person will consider whether those substances may potentially have serious, long-term impacts upon their physical and mental health when consumed. Individuals intoxicated on marijuana or marijuana products in public places within the City of Ruthton pose a legitimate safety risk to themselves and others. Certain products or certain mixtures or preparations of marijuana that are informally known as "delta-9 THC" or "delta-10 THC" are marketed as being a health supplement and "non-psychoactive," but in reality are still psychoactive and are often used by habitual users of marijuana as a way to try to raise a defense to a marijuana charge, to try to raise a defense to what would be the consequences of a urinalysis test at work or probation that results positive for the presence of marijuana. These products help enable habitual consumption of marijuana; the user who is conscientiously using delta-9 THC or delta-10 THC for the purposes for which it is marketed will not be using it in any public place or school zone.

3. Notice was posted on July 27, 2023 stating the City Council will at its Public Hearing before its regular meeting on August 7, 2023 consider this matter, namely a proposed addition of a new Ruthton City Code § 130.05 be added regarding a prohibition of the use of marijuana products in public places and school zones in the City of Ruthton. This Notice specified that a copy of said proposed added Code sections is available at City Hall for review by The Public.

4. At this meeting on August 7, 2023 with quorum was present, opportunity for comment by The Public for and against this matter was given. The opportunity for a reading of the proposed addition was given to The Public.

5. Such public comment, and discussion by councilmembers, having been received and considered, a Motion was made and carried to add new Code Section 8.12 as proposed. It was not moved that any of these new Code Sections be read in their entirety. A further Motion was made, and carried unanimously, that a certain Summary of City of Ruthton Ordinance 2023-03 is reasonably coherent and accurate, does clearly inform the public of the intent and effect of Ordinance 2023-03 and refers to the full text of Ordinance 2023-03 being available at City Hall during business hours, and that said Summary be published in place of the full text.

6. It is hereby ORDAINED, on the above Findings, and pursuant to Ruthton City Code § 10.16, that a new Ruthton City Code § 130.05 be added, as follows:

An exception exists for products, mixtures or substances which are for topical use only and which were lawful prior to August 1, 2023. "

7. All other provisions of the Ruthton City Code are intended to and shall remain unaffected hereby.

8. The City Clerk/Treasurer is directed to within the next 30 days publish, once in the official newspaper, that approved Summary for Publication of the City of Ruthton Ordinance 2023-03 which is contained in subdivision 3 above, and file with the Pipestone County Auditor-Treasurer a certified copy of this Ordinance, along with proof of publication of said Summary. This Ordinance shall take effect and be in full force from and after its adoption and publication according to law.

Passed and adopted by the City Council of the City of Ruthton this 7 day of August, 2023.

Stan Townsend, Mayor

ATTEST:

Rochelle VanderWoude, City Clerk/Treasurer