

## ORDINANCE NO. 1057

### AN ORDINANCE AMENDING CHAPTER 50 – OFFENSES AND MISCELLANEOUS PROVISIONS OF THE CITY CODE

**THE CITY COUNCIL OF THE CITY OF NORTHFIELD DOES ORDAIN THAT:** (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Northfield Code, Chapter 50 – Offenses and Miscellaneous Provisions, Article IV – Offensives Involving Public Peace and Order, Section 50-88 – Social Host, is hereby amended, as follows:

**Sec. 50-88. – Social host.**

- (a) *Title.* This Ordinance shall be titled and referred to as the Social Host Ordinance.
- (b) *Authority.* This Ordinance is enacted pursuant to Minnesota Statute §145A.05, subd. 1.
- (c) *Purpose.* Events and gatherings held on private or public property where alcohol, and/or intoxicating substances, including intoxicating cannabinoids, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products ~~is~~ are possessed or consumed by persons under 21 years old are harmful to those persons and constitute a potential threat to public health requiring prevention and abatement. Holding a person criminally responsible for hosting an event or gathering where underage possession or consumption of alcohol and/or other intoxicating substances, including intoxicating cannabinoids, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products occurs will serve as a deterrent. This ordinance is not intended to apply to nonintoxicating cannabinoids.
- (a) *Jurisdiction.* This section shall apply to the incorporated area of the City of Northfield.
- (b) *Definitions.* For purpose of this section, the following terms are defined as:

*Alcohol.* Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

*Alcoholic beverage.* Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

*Cannabis Flower.* Cannabis flower has the meaning given in Minn. Stat. § 342.01, subd. 16.

*Cannabis Product.* Cannabis product has the meaning given in Minn. Stat. § 342.01, subd. 20.

*Edible Cannabinoid Product.* Edible cannabinoid product has the meaning given in section 30-102 of this code.

*Event or gathering.* A group of three or more persons who have assembled or gathered together for a social occasion or other activity.

*Hemp-derived consumer product.* Hemp-derived consumer product has the meaning given in Minn. Stat. § 342.01, subd. 37.

Intoxicating cannabinoid. Intoxicating cannabinoid has the meaning given in Minn. Stat. § 342.01, subd. 46.

Intoxicating substance. Intoxicating substance has the meaning given in Minn. Stat. § 169A.03.

*Host.* To aid, conduct, allow, entertain, organize, supervise, control, or permit an event or gathering whether the host is present or not.

Lower-potency hemp edible. Lower-potency hemp edible has the meaning given in Minn. Stat. § 342.01, subd. 50.

Nonintoxicating cannabinoid. Nonintoxicating cannabinoid has the meaning given in Minn. Stat. § 342.01, subd. 56.

*Parent.* A person having the following relationship with a person under twenty-one years.

- (1) A natural parent, adoptive parent, or step-parent;
- (2) Legal guardian; or
- (3) A person to whom legal custody has been given by order of a court.

*Person.* An individual, partnership, co-partnership, corporation, or an association of one or more individuals. "Person" does not include a city, county, or state agency.

*Reasonable steps* may include:

- (1) Controlling access to alcohol, ~~and alcoholic beverages, , and intoxicating substances, including intoxicating cannabinoids.~~ cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products in such a manner that no underage person has access to the ~~alcohol and alcoholic beverages~~ above-mentioned substances at the gathering or event; or
- (2) Directly supervising the activities of underage persons at the gathering event either in person or through a responsible adult; or
- (3) Checking identification of the attendees of the gathering to determine age; or
- (4) Other actions made by the person to prevent possession or consumption of alcohol, ~~or alcoholic beverages, and intoxicating substances, including intoxicating cannabinoids~~ cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products by the underage person(s) present.

*Residence or premises.* Any location, including a home, yard, farm, field, land, apartment, condominium, hotel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

*Underage person.* An individual under 21 years of age.

(c) *Prohibited Acts.* It is unlawful for a person to:

- (1) Host a gathering or an event at a residence or premises where alcohol, ~~or alcoholic beverages, and /or intoxicating substances, including intoxicating cannabinoids~~ cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products, are present and the person knows that an underage person either:

a. Consumes alcohol or an alcoholic beverage; ~~or~~

b. Consumes intoxicating substances, including intoxicating cannabinoids, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products; or

~~b.c.~~ Possesses alcohol or an alcoholic beverage with the intent to consume the alcohol or alcoholic beverage; and the person fails to take reasonable steps to prevent possession or consumption by the underage person; or

d. Possess intoxicating substances, including intoxicating cannabinoids, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products with the intent to consume intoxicating substances, including intoxicating cannabinoids, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products; and the person fails to take reasonable steps to prevent possession or consumption of the above-mentioned substances.

(2) Intentionally aid, advise, hire, counsel, or conspire with or otherwise procure another to commit the prohibited act described above.

(d) *Exceptions.* This section shall not apply to:

(1) Consumption of alcohol by an underage person in the parent's home and with the parent's permission.

(2) Legally protected religious observances.

(3) Retail intoxicating liquor or 3.2 percent malt liquor licenses, municipal liquor stores, or bottle club permit holders who are regulated under Minn. Stat. § 340A.503, subd. 1(a)(1).

(4) Situations where underage persons are lawfully in possession of alcohol, ~~or~~ alcoholic beverages, and /or intoxicating substances, including intoxicating cannabinoids, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products, during the course and scope of employment.

(5) Pursuant to Minn. Stat. § 342.09, subd. 1(c), use, possession, or transportation of medical cannabis flower or medical cannabinoid products by a patient; a registered designated caregiver; or a parent, legal guardian, or spouse of a patient.

(e) *Enforcement.* This section can be enforced by any police officer or sheriff's deputy with jurisdiction in the City of Northfield.

(f) *Penalty.* Any person who violates this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine, imprisonment or both.

(k) *Severability.* If any section, subsection, sentence, clause, phrase, word, or other portion of this section is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

~~(l) *Effective Date.* This section shall be in full force and effect 30 days following publication.~~

SECTION 2. Northfield Code, Chapter 50 – Offenses and Miscellaneous Provisions, Article IV – Offensives Involving Public Peace and Order, is hereby amended to add a new Section 50-91 – Use of cannabis in public prohibited, as follows:

**Sec. 50-91 –Use of certain cannabis products in public prohibited.**

- (a) Pursuant to Minn. Stat. § 152.0263, subd. 5, it shall be unlawful for any person to unlawfully use or consume cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place, including, but not limited to, any city-owned street, sidewalk, alley, parking lot or park in the city or upon any lands owned by Northfield School District #659, including school grounds and buildings, parklands, and parking lots.
- (b) Exceptions. This section shall not apply to:
  - (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.
- (c) Penalty. Any person violating this section shall be guilty of a petty misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in section 3-10 of this code.

**Secs. 50-912—50-115. - Reserved.**

SECTION 3: This Ordinance shall take effect September 1, 2023 or thirty days after its publication, whichever is later.

Passed by the City Council of the City of Northfield, Minnesota, this \_\_\_\_ day of \_\_\_\_\_ 2023.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

First Reading:	07/11/2023
Second Reading:	08/8/2023
Published:	08/16/2023

VOTE:     \_\_\_ POWNELL \_\_\_ HOLMES \_\_\_ NESS \_\_\_ PETERSON WHITE  
          \_\_\_ REISTER \_\_\_ SOKUP \_\_\_ ZUCCOLOTTO