

ORDINANCE NO. \_\_\_\_\_

CITY OF MARSHALL  
STATE OF MINNESOTA

AN ORDINANCE PROHIBITING THE **(USE OF)** OR **(SMOKING OR VAPING OF)**  
TOBACCO PRODUCTS, CANNABINOID PRODUCTS AND HEMP PRODUCTS IN  
CITY PARKS

The Common Council of the City of Marshall do ordain:

**SECTION 1.** City Code of Ordinances, Chapter 46, Parks and Recreation, Article 4-II Public Conduct, is hereby amended by adding Section 46-29 in its entirety as follows:

**Section 46-29: (SMOKING) or (USE) of CANNABINOID PRODUCTS OR TOBACCO PRODUCTS IN CITY PARKS**

(A) Definitions.

- (1) For purposes of this section, the terms “cannabis flower,” “cannabis products,” “cannabinoid products”, “lower-potency hemp edibles,” and “hemp-derived consumer products” shall have the definitions given to them in Minnesota Statutes, section 342.01, as it may be amended from time to time.
- (2) For purposes of this section and as defined in Section 342.01 of Minnesota Statutes, "Cannabinoid product" means a cannabis product, a hemp-derived consumer product, or a lower-potency hemp edible.
- (3) For purposes of this section, the term "smoking" means inhaling, exhaling, burning, vaping or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, cannabis plant, hemp plant, cannabinoid product or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.
- (4) For purposes of this section, the term “tobacco products” means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to cigarettes; cigars; cheroots; stogies; perique’s; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco. Tobacco products includes nicotine solution products.
- (5) For purposes of this section. **THE FOLLOWING ARE SOME OPTIONS:**

- City Parks means all City Parks, including trails and sidewalks in and through the City Park, and parking lots adjacent to City Parks and inside all motor vehicles located or parked in a City Park or parking lot adjacent to a City Park.

**OR**

- City Parks means at or within 50 feet of any city-maintained playground, other outdoor facility used for sports or athletics, park shelter, pool, or public restroom; any city park property, including trails and sidewalks located within a park property and parking lots adjacent to City Parks and inside all motor vehicles located or parked in a City Park or parking lot adjacent to a City Park

(B) Prohibition. No person shall (smoke or vape) or ( use) cannabinoid products or tobacco products in a city park.

(C) Exceptions.

(1) Pursuant to Minnesota Statutes, section 152.0263, subd. 5, this prohibition does not apply to a city sanctioned event or private permitted event held in a City Park and licensed by the Office of Cannabis Management to permit on-site consumption of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.

(2) This Ordinance does not prohibit smoking by a Native American as part of a traditional Native American spiritual or cultural ceremony. For purposes of this section, a Native American is a person who is a member of an Indian tribe as defined in section 260.755, subdivision 12 of the Minnesota Statutes.

(D) A violation of this section shall be a petty misdemeanor and is punishable in accordance with Section 1-8 of Chapter 1 of this Code, including, but not limited to a fine in the amount set forth in the City's fee schedule.

**SECTION 2. EFFECTIVE DATE.** This ordinance shall become effective on the first day of publication after adoption.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2023.

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Robert Byrnes, Mayor

ATTEST

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Steven Anderson, City Clerk