

ORDINANCE NO. _____

CITY OF MARSHALL
STATE OF MINNESOTA

**AN ORDINANCE PROHIBITING THE SMOKING OR VAPING OF TOBACCO OR
CANNABINOID PRODUCTS IN CITY PARKS AND IN RECREATIONAL
FACILITIES AND PROHIBITING USE OF OTHER FORMS OF CANNABINOID
PRODUCTS IN CITY PARKS OR RECREATIONAL FACILITIES**

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 OF CANNABINOID OR TOBACCO PRODUCTS IN CITY
PARKS AND RECREATIONAL FACILITIES PROHIBITED; USE OF ALL FORMS OF
CANNABINOID PRODUCTS PROHIBITED IN CITY PARKS AND RECREATIONAL
FACILITIES.**

(A) Definitions.

- (1) For purposes of this section, the term “cannabinoid products” shall have the definition given in Minnesota Statutes, section 342.01, as it may be amended from time to time.
- (2) For purposes of this section “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.
- (3) For purposes of this section, “electronic delivery device” means a product containing or delivering nicotine, lobelia or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic delivery device includes, but is not limited to, devices manufactured, marketed or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor.
- (4) For purposes of this section, “recreational facility” means major structures such as aquatic centers, swimming pools, arenas, athletic fields and shelters located within lands under the ownership or control of the City of Marshall.
- (5) 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.

- (6) 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.

(B) Prohibition.

- (1) No person shall smoke or vape cannabinoid products or tobacco products in a city park or at a Recreational Facility.
- (2) Unless allowed by permit under Section (C) below, no person shall use any form of a cannabinoid product in a city park or at a Recreational Facility.

(C) Permitted private event. In addition to all other rules, procedures, and conditions for use of the facilities or parks, use of cannabinoid products at a private event, other than smoking which is prohibited in its entirety, may occur at a city park or recreational facility if the applicant:

- a. Completes an application for the rental of the city recreational facility or park and discloses on the rental application that cannabinoid products may be used during the private event.
- b. The application for rental of a city-owned facility or park for a private event shall be made by the sponsoring individual or organization and shall include the following:
 - i. The name, address, and nature of the sponsoring individual or organization.
 - ii. A description of the event, including probable number of people in attendance, dates and hours of the event, and such other information as may be required.
 - iii. An attestation that the applicant is familiar with all the terms and provisions of this section and will comply with the same.
 - iv. An attestation that no smoking of any cannabinoid or tobacco products will occur, unless otherwise allowed by state law.
- c. Applications shall be accompanied by a fee as determined by ordinance or resolution of the city council.
- d. Prohibitions. Provision of cannabinoid products shall not be allowed:
 - i. To any person who is not attending the event (no uninvited guests at "private events").
 - ii. To any minor person as defined by Minnesota Statutes.
 - iii. To any person attending or participating in a youth amateur athletic event held on the premises, in which any participant is 18 years of age or younger.

- iv. To any person attending, participating in or in any way being a part of a Minnesota State High School League (MSHSL) related or sponsored function, which includes students of any age, such as athletic or other activities, banquets or celebrations.
- e. Additional requirements. The city council may impose additional requirements or conditions on renting the recreational facility or city park for a private event as it deems reasonable and appropriate.

(D) Exceptions to Prohibitions.

(1) The prohibitions herein do not apply to (i) a private event held in a City Park or Recreational Facility where the City approved use of cannabinoid products in the rental application as set forth in (c) above or (ii) events 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 and which otherwise comply with city ordinances and regulations, including obtaining relevant permits or completing required rental applications.

(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.

(E) Additional Regulations. In order to protect public health, safety and welfare, and to preserve the property of the City, the City Administrator or their designee is authorized and directed to establish additional written regulation which shall define, in precise detail, the procedures to be followed in the use of the parks and in the recreational facilities.

(F) 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.

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Passed this ____ day of _____, 2023.

Robert Byrnes, Mayor

ATTEST

Steven Anderson, City Clerk