

ORDINANCE NO. 23-06

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING THE FALCON HEIGHTS CITY CODE
CONCERNING USE OF TOBACCO, CANNABIS AND HEMP IN CITY PARKS**

THE CITY COUNCIL OF THE CITY OF FALCON HEIGHTS ORDAINS:

Section 1. Article III of Chapter 34 of the Falcon Heights City Code is amended in its entirety to read as follows:

Article III – USE OF TOBACCO, CANNABIS, AND HEMP IN CITY PARKS

34-55 PURPOSE. The City of Falcon Heights believes that there is sufficient medical evidence showing that the smoking and inhaling of tobacco, cannabis, hemp and second-hand smoke is a danger to the health, safety and general welfare of the community. Numerous studies have found that tobacco, cannabis, and hemp smoke is a cause for diseases and second-hand smoke is particularly hazardous for children and the elderly. Discarding of tobacco, cannabis, hemp, and cannabinoid products on the ground can result in litter and pose a risk of harm by, among other things being ingested by young children. The purpose of this Ordinance is to set forth rules concerning the use of tobacco, cannabis, hemp and cannabinoid products in city parks, thereby making such areas cleaner, safer and more enjoyable for residents and the general public.

34-56 DEFINITIONS. For the purpose of this code section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

City Parks means any open or enclosed land improvements or facility which is owned, leased and operated by the City of Falcon Heights and which is reserved, designated or used for a playground, picnic area, garden area, bike or walking path, trail, nature preserve, green space, tennis court, sports or athletic field, staking rink, warming house, or other recreational open space area, and includes city owned parking areas serving city parks or city facility and sidewalks located directly adjacent to a city park or facility.

Tobacco means cigarettes and 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; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product,

or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Cannabis means any product containing, made, or derived from cannabis that is intended for human consumption, including but not limited to flowers, seeds, resins, extracts, oils, tinctures, and edible forms, whether consumed by smoking, vaporizing, eating, drinking, or any other means.

Cannabinoid products mean any products infused with any cannabinoids, including but not limited to tetrahydrocannabinol (THC) and cannabidiol (CBD).

Electronic Delivery Device means any 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.

Hemp means any product containing the harvested flower, bud, leaves, or stems of a plant of the genus Cannabis that has a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis. Hemp includes any derivative, concentrate, extract, resin, or other product made from a hemp plant.

Smoking means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe or any other lighted or heated product containing, made or derived from nicotine, cannabis, hemp, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking will also include using an electronic delivery device.

34-57 PROHIBITED ACTIVITIES.

Smoking is prohibited in all city parks, in all public parking lots that are adjacent to City Parks, and inside all motor vehicles located in any city park or adjacent public parking lot.

34-58 POSTING OF SIGNS

- A. "No Smoking" sign or signs with a similar designation will be clearly and conspicuously displayed at City Parks to notify the public that smoking including tobacco, cannabis, hemp or other plant is prohibited.

34-59 ENFORCEMENT

- A. *Complaints.* Any citizen who desires to register a complaint under this chapter may initiate enforcement with the City Administrator or his/her designee.

B. *Violation and Penalty.* It shall be a petty misdemeanor for any person to discard tobacco, cannabis, hemp or any cannabinoid product in a city park or parking lot adjacent to a city park, except in a designated trash receptacle.

C. Other applicable laws. This chapter shall not be interpreted or construed to permit tobacco, cannabis, hemp or cannabinoid product use where it is otherwise restricted by other applicable laws.

Section 2. This ordinance is effective immediately upon its passage and publication.

ADOPTED this 13 day of September, 2023, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY:


Randall C. Gustafson, Mayor

ATTEST:


Jack Linehan, City Administrator