

# **Chapter 34 - PARKS AND RECREATION<sup>1</sup>**

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## **ARTICLE I - IN GENERAL**

*Secs. 34-1 – 34-18 - Reserved*

## **ARTICLE II - PUBLIC CONDUCT IN PARKS**

### *Sec. 34-19 - Purpose*

It is the purpose of this article to protect and promote the public health, safety, and general welfare of the people of the city by regulating the use of and management of public parks and facilities within the city. This section is in addition to all other sections, statutes and regulations that might be applicable to the city.

(Code 1993, § 3-4.01(A))

### *Sec. 34-20 - Hours and access; permits*

- (a) *Hours.* The parks shall be open to the public between the hours of 6:00 a.m. and 10:00 p.m. No person shall remain, stop, use or be present in any park between the hours of 10:00 p.m. and 6:00 a.m. Exceptions may be made when special use permits have been authorized and issued.
- (b) *Permits.* The city shall require permits for the exclusive use of all or portions of specific areas, buildings, and other facilities and for conducting events of a cultural, educational, political, religious or recreational nature; and for specific exemption from

any provision of this article. Any person, group or association of persons required to obtain a permit shall file an application for such permit with the clerk.

- (1) The holder of a permit shall be liable for any loss, damage, or injury sustained by the parks or by any person resulting from the negligence of the person or persons to whom such permits are issued.
- (2) The grantee of a permit shall not transfer or relinquish said permit to another person or group without the written permission of the clerk.
- (3) The council shall have the authority to revoke a permit upon evidence of good cause.
- (4) Council may, by resolution, adopt rules, policies, and procedures from time to time for issuance of exclusive use permits.

(Code 1993, § 3-4.01(B); Ord. No. 0-94-10, § 1, 9-28-1994)

***Sec. 34-21 - Operation of bicycles; animals; camps; tennis court permits***

- (a) No person shall ride or operate a bicycle in any park except for designated bikeways or surfaces normally provided for vehicular traffic.
- (b) People are prohibited from bringing animals in public parks, except:
  - (1) Dogs accompanying a person engaged in search or rescue activities;
  - (2) Service dogs as provided in Minnesota Statutes § 256C.02;
  - (3) Dogs on a leash six feet or less in length except leashed dogs are prohibited in playgrounds, tennis and basketball courts, park shelters, ice rinks and areas with a sign prohibiting dogs.
- (c) No person shall establish or maintain any camp or other temporary lodging or sleeping place in any park.
- (d) Any person with a tennis court permit has the right to use the court for the time specified on the permit.

(Code 1993, § 3-4.01(C); Ord. No. 0-94-10, § 1, 9-28-1994; Ord. No. 09-04, § 1, 10-28-2010)

***Sec. 34-22 - Unlawful conduct***

- (a) *Defacement and destruction of property.* No person shall tamper with, climb on, deface, destroy or remove any part of any park building, structure, sign, light pole, drinking fountain, plantings, table, grill, equipment, or other property.
- (b) *Fires.* No person shall start or maintain a fire in any park site, except small recreational fires in designated grills provided or intended for that purpose.
- (c) *Alcoholic and intoxicating beverages.* No person shall transport, possess, offer for sale, consume or be under the influence of any beer, wine, liquor or other alcoholic or

intoxicating beverage in any park site. Notwithstanding any other provisions of this Code, the only sanction to be taken against a person who violates this subsection by being intoxicated shall be ejection from the park; provided, that nothing in this subsection prohibits prosecution of such person for trespass should the person refuse to leave the park.

- (d) *Unlawful sales.* No person shall sell or offer for sale, any object, merchandise or service or conduct any commercial enterprise except concessions invited by the city in conjunction with city-sponsored events or activities.

(Code 1993, § 3-4.01; Ord. No. 97-04, § 1, 6-25-1997)

***Secs. 34-23 – 34-54 - Reserved***

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

***Sec. 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 residences and the general public.

(Ord. No. 12-06, § 1, 6-27-2012; Ord. No. 23-07, § 1, 9-27-2023)

***Sec. 34-56 - Definitions***

For the purpose of this article, 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, skating 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.

(Ord. No. 12-06, § 1, 6-27-2012; Ord. No. 23-07, § 1, 9-27-2023)

#### ***Sec. 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.

(Ord. No. 12-06, § 1, 6-27-2012; Ord. No. 23-07, § 1, 9-27-2023)

#### ***Sec. 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.

(Ord. No. 12-06, § 1, 6-27-2012; Ord. No. 23-07, § 1, 9-27-2023)

***Sec. 34-59 - Enforcement***

- (a) *Complaints.* Any citizen who desires to register a complaint under this article 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, excepted in a designated trash receptacle.
- (c) *Other applicable laws.* This article shall not be interpreted or construed to permit tobacco, cannabis, hemp, or cannabinoid product use where it is otherwise restricted by other applicable laws.

(Ord. No. 12-06, § 1, 6-27-2012; Ord. No. 23-07, § 1, 9-27-2023)

Footnotes:

<sup>1</sup> **State Law reference** – General authority relative to parks, Minn. Stats. § 412.221, subd. 6; parks generally, Minn. Stats. ch. 448.