

## CHAPTER 1

### CITY PARKS AND NATURAL AREAS

#### SECTION:

- 7-1-1: Purpose
- 7-1-2: Definitions
- 7-1-3: Permit Required
- 7-1-4: Application
- 7-1-5: Revocation
- 7-1-6: Alcoholic Beverages
- 7-1-7: Scheduling Activities
- 7-1-8: Time Limits
- 7-1-9: Prohibited Activities
- 7-1-10: Penalty

#### 7-1-1: PURPOSE:

This Chapter is enacted to regulate the use of City park property for organized activities and the protection of natural areas thereby ensuring the maximum utilization and enjoyment of such property by all citizens and providing for the general welfare, health and safety of the citizens of the City. (Ord. 61, 9-13-1973)

There is sufficient medical evidence showing that tobacco smoke is a major contributor to indoor air pollution and that breathing secondhand smoke or environmental tobacco smoke is a cause of diseases such as lung cancer, cardiovascular disease, and respiratory disease and a cause of strokes and heart attacks; that the discarding of tobacco products pollute the land and water and may be ingested by small children, pets, birds or fish; and that it is desirable to provide a safe and healthy environment for residents and members of the public while using city parks. The City also believes that use of cannabis in city parks and natural areas will have an adverse impact on the environment similar to that of tobacco products and will discourage the use and enjoyment of such places by members of the public. An additional purpose is to set forth the rules banning the use of tobacco products and cannabis in city parks and natural areas, thereby making such areas cleaner, safer, and more enjoyable for city residents and the public.

#### 7-1-2: DEFINITIONS:

For the purposes of this Chapter, the terms defined in this Section have the meanings given them:

**ADMINISTRATOR:** means the Lauderdale City Administrator or his or her duly authorized representative.

**CANNABIS:** means cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products as those terms are defined in Minnesota Statutes, section 342.01, as it may be amended from time to time.

**EDIBLE CANNABINOID PRODUCT:** means any product that is intended to be either eaten, or consumed as a beverage, by humans, and which contains a cannabinoid product in combination with other consumable ingredients as defined in Minnesota Statutes, section 151.72, subd. 1.

**ELECTRONIC DELIVERY DEVICE:** means any product containing or delivering nicotine, lobelia, cannabis, or any other substance, whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic delivery device includes but is not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

**INTOXICATING LIQUOR:** Has the meaning given it by Minnesota Statutes, section 340A.101, subd. 14.

**MALT LIQUOR:** Has the meaning given to it by Minnesota Statutes, section 340A.101, subd. 16.

**NATURAL AREA:** means City owned natural areas including the Lauderdale Nature Area and the four City-owned parcels on the west side of Walsh Lake.

**ORGANIZED ACTIVITY:** means any activity at which there are or will be assembled 50 or more persons. The term does not include athletic or recreational events regularly scheduled by the City as part of its recreation program.

**OVERNIGHT PARKING:** means parking in a park parking lot between the hours of 10:00 p.m. and 8:00 a.m.

**PARK:** means the Lauderdale Community Park at the intersection of Roselawn Avenue and Fulham Street, Skyview Park near the inter section of Walnut Street and Ione Street, and any other area of the City established by the City as a public park.

**RESPONSIBLE PERSON:** means a person authorized by an organization to manage and exercise direct control of the organized activity. The term includes an individual conducting or organizing the activity. (Ord. 61, 9-13-1973; 1996 Code)

**SMOKING:** means inhaling, or exhaling smoke from any lighted or heated tobacco or tobacco product or cannabis; carrying any lighted or heated tobacco or tobacco product or cannabis intended for inhalation; and burning or carrying any lighted or heated product containing, made, or derived from nicotine, tobacco, cannabis, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.

**TOBACCO OR TOBACCO PRODUCT:** means any substance, item or product containing, made, or derived from tobacco leaf, including but not limited to cigarettes; electronic cigarettes; cigars; pipe tobacco; snuff; fine cut or other chewing tobacco; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff flowers; cavendish; shorts; plug

and twist tobaccos; dipping tobaccos; refuse scrapes, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco leaf prepared in such manner as to be suitable for chewing, sniffing, or smoking 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 including but not limited to 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 drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

USE: means smoking, inhaling, exhaling, burning, ingesting or carrying any lighted tobacco or tobacco product or cannabis in any manner or in any form; chewing, sniffing, and spitting any tobacco or tobacco product or cannabis or ingesting any edible cannabinoid product.

7-1-3: PERMIT REQUIRED:

It is unlawful for any person to conduct an organized activity in a City park without first having obtained a permit therefor. Individuals and groups of fewer than 50 persons may submit a permit application if they would like to reserve park facilities.

7-1-4: APPLICATION:

A. Time For Application; Forms:

1. Form: Application for the permit required by Section 7-1-3 shall be made to the Administrator by the responsible person on forms provided by the Administrator.
2. Time For Filing: The application shall be made at least 15 days prior to the organized activity.
3. Waiver Of Time: The Council may waive the above time limitations in appropriate cases, but in no event will a permit be issued unless all information required in the application is presented to the Council prior to the date of the organized activity.

B. Required Information: The application shall contain or be accompanied by a written statement containing the following regarding the organized activity:

1. The date or dates of the activity;
2. The name, telephone number and address of the principal office of the organization or person conducting the activity;
3. The name of the responsible person;
4. The park or portion thereof to be used;
5. An estimate of anticipated attendance;

6. The beginning and closing hours of the activity;
7. A statement that the activity is not to be held for the purpose of advertising any product, goods or services, and is not held for private profit;
8. A statement that adequate provisions for cleaning up the park area after the activity have been made; and
9. Such other information as the Administrator deems necessary.

C. Fee: No fee for the permit is required of residents of the City of Lauderdale. The Council may elect to charge non-residents for use of park facilities. Such fees will be adopted as part of the City's fee schedule as it may be amended from time to time.

D. Criteria For Issuance:

1. Required Conditions: The Administrator shall present the applications for organized activities to the Council which shall grant the permit if it finds:
  - a. The proposed organized activity will not unreasonably interfere with the general public use of the park;
  - b. The organized activity will not substantially interrupt the safe and orderly movement of traffic;
  - c. The conduct of the organized activity is not reasonably likely to cause injury to persons or property or diminish the level of police protection elsewhere in the City; and
  - d. The organized activity will not unreasonably interfere with or detract from the promotion of the public health, safety, recreation or welfare.
2. Additional Conditions: The Council may attach such conditions to the permit as it deems necessary to ensure conduct of the organized activity in compliance with this Chapter including a security deposit for costs of cleanup. (Ord. 61, 9-13-1973)

7-1-5: REVOCATION:

The Council may revoke the permit prior to the activity or direct the termination of the activity if it finds that any information contained in the application is untrue, that any term or condition of the permit or provision of this Chapter has been violated, or that the organized activity presents a threat to public health or safety.

7-1-6: ALCOHOLIC BEVERAGES:

A. Liquor Licenses: The City will not issue licenses to park users for the sale of any type of malt liquor or intoxicating liquor in City parks. The City reserves the right to issue temporary liquor licenses for City hosted festivals and events.

B. Alcoholic Beverages in City Parks: Malt liquor and intoxicating liquor may be present and consumed by persons otherwise legally entitled to do so when it is in the possession of the individuals who brought the beverages into the park and consumed by them.

7-1-7: SCHEDULING ACTIVITIES:

A. Administrator's Duties: The Administrator or their duly authorized representative is responsible for the scheduling of organized activities and athletic or recreational events in City parks. Events will be scheduled on a first come, first served basis.

7-1-8: TIME LIMITS:

A. General Hours: City parks are open to the public between the hours of ~~eight o'clock~~ (8:00) A.M. and 10:00 P.M. of each day. An organized activity may be conducted whenever the park is open. No overnight camping or occupancy is permitted nor is the establishment of permanent or semi-permanent structures or facilities intended for human habitation.

B. Parking; Exception: Parking in a parking lot at a City park is prohibited after 10:00 PM and before 8:00 AM the following day. An exception is made for the parking lot off of Roselawn Avenue at Community Park when the seasonal parking restrictions defined in Section 6-1-6 are in effect. The prohibition on overnight parking goes back into effect twelve hours after the roads have been plowed curb to curb.

7-1-9: PROHIBITED ACTIVITIES. Use of any tobacco or tobacco product or cannabis is prohibited in city parks and natural areas. It is also unlawful for a person under the age of 21 to possess or consume an edible cannabinoid product or to distribute to another person under the age of 21 an edible cannabinoid product in a city park or natural area.

POSTING OF SIGNS: "Tobacco and Cannabis-Free Grounds" signs or signs with a similar designation will be clearly and conspicuously displayed at city parks to notify the public that smoking and other use of tobacco, tobacco products and cannabis is prohibited.

7-1-10: PENALTY:

Any person violating the provisions of this Chapter is guilty of a misdemeanor except that violations involving the use of tobacco or tobacco product or cannabis in a city park or natural area is a petty misdemeanor. Each day that a violation continues shall be deemed a separate punishable offense.

Passed by the city council of the city of Lauderdale on this 12<sup>th</sup> day of December, 2023.