

**CITY OF INVER GROVE HEIGHTS, DAKOTA COUNTY, MINNESOTA
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING CITY CODE, TITLE 5, CHAPTER 5, ADDING SECTION
5-5-13 PROHIBITING SMOKING AND VAPING OF CANNABIS AND TOBACCO AND
CONSUMPTION OF ALCOHOLIC BEVERAGES AND BEVERAGES CONTAINING THC
IN PUBLIC PLACES**

**THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS HEREBY
ORDAINS AS FOLLOWS:**

Section One. Amendment. Title 5, Chapter 5 of the Inver Grove Heights City Code is hereby amended by adding Section 13 as follows:

**5-5-13 SMOKING AND VAPING OF CANNABIS AND TOBACCO AND
CONSUMPTION OF ALCOHOLIC BEVERAGES OR BEVERAGES
CONTAINING THC IN PUBLIC PLACES PROHIBITED.**

- A. Definitions: For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC PLACE. Property owned, leased, or controlled by a governmental unit, including the City. Public places include but are not limited to the following owned, leased, or controlled by the City: 1) buildings and all the land thereon, parking lots, Inver Wood golf course, parks, pathways and trails; and 2) rights-of-way consisting of both the traveled portion and the abutting boulevard, sidewalks and trails. Public Places also includes personal property, including motor vehicles, city equipment, and the like owned, leased or controlled by the City. A Public Place does not include: (1) a private residence, including the person's curtilage or yard; (2) private property not generally accessible to the public, unless the person is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or (3) the premises of an establishment or event licensed to permit on-site consumption.

CANNABIS FLOWER, CANNABIS PRODUCT, and HEMP-DERIVED CONSUMER PRODUCTS shall have the meanings given in Minn. Stat. §342.01 (enacted under Minnesota Laws 2023).

GOVERNMENTAL UNIT means a county, city, town, school district, or other political subdivision of the state. "Political subdivision" means a county, home rule charter or statutory city, town, school district, metropolitan or regional agency, public corporation, political subdivision, or special district.

TOBACCO AND ELECTRONIC DELIVERY DEVICE shall have the meanings given

in Minn. Stat. § 609.685, subd. 1.

VAPE or VAPING shall have the meaning given in Minn. Stat. § 120B.238, subd. 1(e).

B. Prohibitions:

- i. No person shall smoke tobacco or any cannabis flower, cannabis product, or hemp-derived consumer product in any public place.
- ii. No person shall use any electronic delivery device or otherwise engage in vaping of tobacco, any product containing nicotine, or any cannabis flower, cannabis product, or hemp-derived consumer product in any public place.
- iii. No person shall consume any alcoholic beverage or beverage containing tetrahydrocannabinol (THC) in any public place, except as otherwise permitted by a City-issued license or permit or as otherwise allowed under City Code Section 4-1-16.

C. Exceptions:

- i. The prohibition on the smoking or vaping of tobacco or any product containing nicotine in any public place shall not prohibit the smoking or vaping of such products inside a motor vehicle located on public right-of-way. This exception shall not apply to City-owned vehicles.
- ii. The prohibitions listed in Section B(i) and (ii) above shall not apply to the parking lots of properties owned, leased or controlled by governmental units other than the City.

D. Penalty: A violation of this section is a petty misdemeanor.

Section 2. Effective Date. This ordinance shall take effect upon its passage and the publication as provided by law.

Passed in regular session of the City Council of the City of Inver Grove Heights on the _____ day of _____, 2023.

CITY OF INVER GROVE HEIGHTS

By _____
Brenda Dietrich
Its: Mayor

Attest:

By: Rebecca Kiernan
Its: City Clerk

(Published in the *Pioneer Press* on _____)