

**City of Mayer  
Ordinance 241**

**An Ordinance Amending Chapter 95 of the Mayer City Code  
Regarding Smoking and Cannabis Use in Public Parks**

THE CITY COUNCIL OF THE CITY OF MAYER, MINNESOTA, DOES ORDAIN:

Section 1. Finding and Purpose:

1. By enacting 2023 Session Laws Chapter 63, the Minnesota Legislature enacted Minn. Stat. Chapter 342, legalizing adult-use cannabis.
2. The new law prohibits the smoking use of cannabis only in areas where smoking is prohibited under the Minnesota Clean Indoor Air Act (“MCIAA”).
3. The new law also enacted Minn. Stat. 152.0263, authorizing the City to limit the use of cannabis in public places and establish that such use is a petty misdemeanor offense.
4. The MCIAA prohibits smoking in enclosed, indoor areas open to the public. Minn. Stat. 144.413–.414. The MCIAA defines smoking to include the use of nicotine, tobacco, marijuana, or other plants. Minn. Stat. 144.413, subd. 5.
5. The MCIAA does not prohibit smoking in outdoor public places but permits cities to enact and enforce more stringent measures than the MCIAA to protect the public health. Minn. Stat. 144.417, subd. 4.
6. Pursuant to its general police powers, including but not limited to Minn. Stat. 421.221, subd. 32, the City may enact regulations to promote the health, safety, order, convenience, and general welfare of the City.
7. The City Council finds it necessary to prohibit smoking in and around public parks to protect individuals at those outdoor public places from secondhand smoke or from involuntary exposure to aerosol or vapor from electronic delivery devices.

Section 2. Amendment: The City Council of the City of Mayer hereby amends Chapter 95.03 of the Mayer City Code to include language to read as follows:

**95.03 Park Rules and Prohibited Acts**

- (Q) *Smoking.* Smoking is prohibited in all City parks.  
Exception: smoking is permissible in parking lots and within vehicles in the parking lots so long as the vapor, smoke, or any other fume or smell does not infringe upon the enjoyment of the park space by others.
- (1) 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, tobacco, cannabis, hemp, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking also includes use of an electronic delivery device.

- (2) 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 devices 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.
- (R) *Cannabis and Hemp Consumption.* Cannabis and hemp, as defined in City Code Chapter 130.04, consumption in all other forms, in conjunction with and as opposed to Section Q, is prohibited in all City parks with the same exceptions as Section Q.

Adopted by the City Council of the City of Mayer on this 25<sup>th</sup> day of September, 2023.

Attest:

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Mayor

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City Administrator