

ORDINANCE NO. 2023-03-02

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 610 AND
TITLED “CURFEW FOR MINORS; FIREARMS; TOBACCO.”**

Findings and Purpose:

Firearms are regulated in Chapter §609, so duplicate code is removed.

Consistency with Mahtomedi, which depends on Washington County for curfews and with state statute prohibiting youth tobacco, e-cigarette possession and use and on enforcement at the county level make the most sense for a small City, so our separate sections of code are repealed.

This change also promotes public health by banning the use of tobacco at public property; the state already forbids tobacco use indoors. It does not forbid smoking on city streets in general, but does so during City events, such as the Fourth of July parade.

Regulation of medical cannabis is not necessary because of the requirements of Minnesota Statute §152.23. The City may adopt regulations for the public welfare and for smoking pursuant to Minnesota Statutes §§ 144.417 subd. 4(a) and 412.22 subd. 32.

The City Council of The City of Birchwood Village, Minnesota ordains:

Section 1.

Ordinance No. 610, and titled “**CURFEW FOR MINORS; FIREARMS; TOBACCO**” is repealed and replaced with the following:


610. TOBACCO

610.045. USE OF TOBACCO. No person shall use any form of tobacco or e-cigarettes at or on any public open space, restroom, public lake tract, park, warming house, athletic court or field, ice rink, picnic shelter or path, nor shall any person use any form of tobacco or e-cigarettes at or on any dock association dock, nor at or in any boat at a dock, boat lift or boat hoist at a public lake tract, nor at any event on any City street, road or parkway that is open to the public and hosted by the City.

610.060. PENALTIES. Any person who violates this chapter shall be guilty of a misdemeanor.

EFFECTIVE DATE: This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by M.S. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of M.S. § 331A.01, subd. 10, as it may be amended from time to time.

Adopted by the City of Birchwood Village City Council this 11th day of April, 2023


Margaret Ford, Mayor

Attest:


Rebecca Kellen, City Administrator-Clerk

