

1 City of Roseville
2 ORDINANCE NO. _____
3

4 AN ORDINANCE AMENDING
5 TITLE 5, AND CREATING SECTION 512
6

7 AN ORDINANCE AMENDING TITLE 5, CHAPTER 507 TO UPDATE
8 REFERENCES TO MARIJUANA, AND ESTABLISHING
9 CHAPTER 513 TO PROHIBIT SMOKING AND VAPING AT SPECIFIED
10 CITY PROPERTIES
11

12 THE CITY OF ROSEVILLE ORDAINS:
13

14 SECTION 1: Title 5 Chapter 507 of the Roseville City Code is hereby
15 amended as follows:
16

17 CHAPTER 507 DRUGS, CONTROLLED SUBSTANCES
18

19 507.1 PROHIBITED DRUGS AND MARIJUANA:
20

- 21 A. Possession: Except as authorized by Minnesota Statutes, section
22 152.01, et seq., as amended, no person shall possess or have in their
23 possession or control any controlled substance.
24
- 25 B. Controlled Substances: Controlled substances are defined as all of
26 the substances listed in Minnesota Statutes section 152.02, as
27 amended, ~~and also marijuana (cannabis sativa L).~~
28
- 29 C. Automobiles: A person who is the owner of a private motor vehicle,
30 or the driver of the motor vehicle if the owner is not present, and
31 who possesses on his/her person or keeps or allows to be kept in a
32 motor vehicle within the area of the vehicle normally occupied by
33 the driver or passengers, any controlled substance as defined above
34 is guilty of a misdemeanor. This area of the vehicle shall not include
35 the trunk of the motor vehicle when such vehicle is equipped with a
36 trunk or another area of the vehicle not normally occupied by the
37 driver or passengers if the vehicle is not equipped with a trunk. A
38 utility or glove compartment shall be deemed to be within the area
39 occupied by the driver and passengers.
40
- 41 D. Violations: Any person violating any of the subsections of this
42 Section is guilty of a misdemeanor; further, upon a finding of guilty
43 or a plea of guilty to any violation of this Section, the Court may

impose sentence pursuant to the provisions of Minnesota Statutes section 152.18, as amended, except that such period of probation may be for a period of up to one year. (Ord. 729, 4-29-74; amd. 1995 Code).

507.02 DRUG PARAPHERNALIA:

A. Definitions:

1. "Drug Paraphernalia" means all equipment, products and materials of any kind which are used, intended for use or designed for use, in planting, propagating, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of Minnesota Statutes chapter 152, which includes, but is not limited to:
 - a. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
 - b. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
 - c. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
 - d. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
 - e. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
 - f. Diluents and adulterants such as quinine hydrochloride, mannitol, mannite, dextrose and lactose used, intended for use or designed for use in cutting controlled substances.

85 ~~g. Separation gins and sifters used, intended for use or~~
86 ~~designed for use in removing twigs and seeds from or in~~
87 ~~otherwise cleaning or refining marijuana.~~
88

89 g. Blenders, bowls, containers, spoons and mixing devices
90 used, intended for use or designed for use in compounding
91 controlled substances.
92

93 h. Capsules, balloons, envelopes and other containers used,
94 intended for use or designed for use in packaging small
95 quantities of controlled substances.
96

97 i. Containers and other objects used, intended for use or
98 designed for use in storing or concealing controlled
99 substances.
100

101 j. Hypodermic syringes, needles and other objects used,
102 intended for use or designed for use in parenterally injecting
103 controlled substances into the human body.
104

105 k. Objects used, intended for use or designed for use in
106 ingesting, inhaling or otherwise introducing controlled
107 substances ~~marijuana, cocaine, hashish or hashish oil~~ into
108 the human body, such as:
109

110 1) Metal, wooden, acrylic, glass, stone, plastic or ceramic
111 pipes with or without screens, permanent screens,
112 ~~hashish heads~~ or punctured metal bowls.
113

114 2) Water pipes.
115

116 3) Carburetion tubes and devices.
117

118 4) Smoking and carburetion masks.
119

120 ~~5) Roach clips, meaning objects used to hold burning~~
121 ~~material, such as a marijuana cigarette, that has~~
122 ~~become too small or too short to be held in the hand.~~
123

124 6) Miniature cocaine spoons and cocaine vials.
125

126 7) Chamber pipes.
127

128 8) Carburetor pipes.

129
130 9) Electric pipes.

131
132 10) Air-driven pipes.

133
134 ~~11) Chillums.~~

135
136 11) Bongs.

137
138 12) Ice pipes or chillers

139
140 m. In determining whether an object is drug paraphernalia, a
141 court or other authority shall consider, in addition to all
142 the other logically relevant factors, the following:

143
144 1) ~~a.~~ Statements by an owner or by anyone in control of
145 the object concerning its use.

146
147 2) ~~b.~~ Prior convictions, if any, of the owner or of anyone
148 in control of the object of any State or Federal law
149 relating to any controlled substance.

150
151 3) ~~c.~~ The proximity of the object in time and space to the
152 direct violation of this Section.

153
154 4) ~~d.~~ The proximity of the object to controlled substances.

155
156 5) ~~e.~~ The existence of any residue of controlled
157 substances on the object.

158
159 6) ~~f.~~ Direct or circumstantial evidence of the intent of an
160 owner or of anyone in control of the object to deliver it
161 to persons whom the person in control knows, or
162 should reasonably know, intend to use the object to
163 facilitate a violation of this Section; the innocence of
164 an owner or of anyone in control of the object, as a
165 direct violation of this Section shall not prevent a
166 finding that the object is intended for use or designed
167 for use as drug paraphernalia.

168
169 7) ~~g.~~ Instructions, oral or written, provided with the
170 object concerning its use.

171
172 8) ~~h~~ Descriptive materials accompanying the object
173 which explain or depict its use.
174

175 9) ~~i~~ National and local advertising concerning its use.
176

177 10) ~~j~~ The manner in which the object is displayed for sale.
178

179 11) ~~k~~ Whether the owner, or anyone in control of the
180 object, is a legitimate supplier of like or related items
181 to the community such as a licensed distributor or
182 dealer of tobacco products.
183

184 12) ~~l~~ Direct or circumstantial evidence of the ratio of sales
185 of the object(s) to the total sales of the business
186 enterprise.
187

188 13) ~~m~~ The existence and scope of legitimate uses for the
189 object in the community.
190

191 14) ~~n~~ Expert testimony concerning its use.
192

- 193 2. Other Terms: The terms "controlled substance", "manufacturing",
194 "marijuana" and "person" are defined as specified in Minnesota
195 Statute section 152.01 and any amendment thereto.
196

197 SECTION 2: Title 5 Section 512 of the Roseville City Code is established
198 to read as follows:
199

200 **CHAPTER 513 SMOKING AND VAPING AT SPECIFIED CITY**
201 **PROPERTIES**
202

203 **513.01 PROHIBITION OF SMOKING AND VAPING AT SPECIFIED**
204 **CITY PROPERTIES**
205

206 A. Definitions.
207

- 208 1. For purposes of this section, the terms “cannabis flower,” “cannabis
209 products,” “lower-potency hemp edibles,” and “hemp-derived consumer
210 products” shall have the definitions given to them in Minnesota
211 Statutes, section 342.01, as it may be amended from time to time.
212

- 213 2. For purposes of this section, the terms “tobacco,” “tobacco-related
214 devices,” and “electronic delivery device” shall have the definitions
215 given to them in Minnesota Statutes, section 609.685, as it may be
216 amended from time to time.
- 217
- 218 3. For purposes of this section, “specified City properties” is defined as: all
219 City parks, parking lots adjacent to City parks, and trails within City
220 parks, and on the main city campus, including City Hall, the fire station,
221 maintenance facility, skating center and oval, and adjacent parking lots,
222 and the license center strip mall and adjacent parking lot.
- 223
- 224 4. Pursuant to Minnesota Statutes, section 152.0263, subd. 5, “specified
225 City properties” does not include the following: (i) a private residence,
226 including the person's curtilage or yard; (ii) private property not
227 generally accessible by the public; and (iii) the premises of an
228 establishment or event licensed to permit on-site consumption of
229 cannabis flower, cannabis products, lower-potency hemp edibles, or
230 hemp-derived consumer products.
- 231
- 232 B. No person shall smoke or vape any product, including tobacco and tobacco-
233 related products, cannabis flower, cannabis products, and hemp-derived
234 consumer products, or use any tobacco related or electronic delivery
235 devices at a specified City property. A violation of this section shall be a
236 petty misdemeanor and is punishable in accordance with Chapter 102 of
237 this Code.
- 238
- 239

240 SECTION 3: Effective date. This ordinance shall take effect upon its
241 passage and publication.

242

243 Passed by the City Council of the City of Roseville this 25th day of September
244 2023.

245

246

247
248 **Signatures as follows on separate page:**

249
250 **Ordinance – *Title of Ordinance* _____ -**

251
252
253 (SEAL)

254
255
256 CITY OF ROSEVILLE

257
258
259 BY: _____

260 Daniel J. Roe, Mayor

261
262 ATTEST:

263
264
265 _____
266 Patrick Trudgeon, City Manager
267
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