



**CITY OF MENDOTA HEIGHTS
CITY COUNCIL WORK SESSION AGENDA**

**Tuesday, September 19, 2023 • 5:00 p.m.
CITY HALL • COUNCIL CHAMBERS • 1101 Victoria Curve, Mendota Heights**

- 1. Call to Order**
- 2. Discussion**
 - a. Short Term Rentals
 - b. Adult Use Cannabis
 - c. Police Department/City Hall Building Update
- 3. Adjourn**

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City Council Work Session Memo

DATE: September 19, 2023

TO: Mayor and City Council

FROM: Jennifer Haskamp
Cheryl Jacobson, City Administrator

SUBJECT: Short Term Rentals

INTRODUCTION

Staff will provide the city council with an overview of Short-Term Rentals and the operation of these rental units within the city.

BACKGROUND

Over the past few months there have been several inquiries regarding the City's policy for regulating and permitting Short Term Rentals. Short Term Rentals are oftentimes referred to as VRBOs, Air BnB's, or similar, and are typically rented for periods shorter than 30 days.

The City's current ordinances address rental of a residential property but do not differentiate between long-term rental periods and short-term rental periods. Short-term rental periods have not been expressly studied by the city and may have different impacts on the surrounding neighborhood, and therefore warrant separate study and consideration so that appropriate ordinances may be developed.

REQUESTED ACTION

Informational. Council will have the opportunity to discuss short term rental housing in the City and review existing city codes as they relate to this type of housing.



City Council Work Session Memo

DATE: September 19, 2023

TO: Mayor, City Council and City Administrator

FROM: Kelly McCarthy, Police Chief

SUBJECT: Adult Use Cannabis

INTRODUCTION

On 8/2/2023, the Council directed staff to research ordinances regulating cannabis use in the City of Mendota Heights.

BACKGROUND

State law allows a city to adopt an ordinance establishing a petty misdemeanor offense for a person who unlawfully uses cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place.

If the city council would want an enforcement mechanism to prevent the use of cannabis in public places, it will need to adopt an ordinance prohibiting such use and make it a petty misdemeanor.

REQUESTED ACTION

For the work session discussion, the Council should discuss:

- Ordinance including all forms of cannabis use or limiting prohibition to smoking/vaping
- Ordinance including all public spaces or limiting prohibition to parks, recreation areas, and city property
- Updating the social host ordinance (attorney approved draft attached)

Staff recommends an ordinance that prohibits the smoking/vaping of cannabis products at public parks and recreational areas. Draft ordinance attached.

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. XXX

**AN ORDINANCE AMENDING THE MENDOTA HEIGHTS CITY CODE BY ENACTING MENDOTA HEIGHTS
CITY CODE CHAPTER XX-XX,
PROHIBITING CANNABIS SMOKING WITHIN PUBLIC PARKS AND RECREATIONAL AREAS**

The City Council of Mendota Heights does ordain:

SECTION 1 ENACTMENT. Mendota Heights City Code Chapter XX-XX is hereby enacted as followed:

**Sec. XX-XX – CANNABIS SMOKING WITHIN PUBLIC PARKS AND
RECREATIONAL AREAS**

Subd. 1. *Definitions*

Cannabis flower, cannabis products, lower-potency hemp edibles, and hemp derived consumer products shall have the meanings as defined in Minn. Stat. §342.01 (enacted under Minnesota Laws 2023).

Electronic delivery device means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine, cannabis flower, cannabis products, or any other substance through inhalation of aerosol or vapor from the product. The term includes, but is not limited to, devices manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, vape pens, or e-hookah.

"Public park or parks" is any land owned or leased by the city for the use of the public for any one or a combination of the following uses: recreation, relaxation, amusement, playgrounds and fields, swimming, beaches, trails and trailways. (1981 Code 913 § 1):

"Recreational Areas" means all facilities, parks, trails, open space, and other property owned, leased, rented, contracted, used, or controlled by the City of Mendota Heights for parks and recreational purposes. The term includes, but is not limited to, restrooms, spectator and concession areas, playgrounds, and athletic fields.

Smoke or smoking means inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other tobacco, cannabis flower, cannabis products, or plant product, or inhaling or exhaling aerosol or vapor from any electronic delivery device. Smoking includes being in possession of a lighted or heated cigar cigarette, pipe, or any other tobacco, cannabis products, or plant product intended for inhalation, or an electronic delivery device that is turned on or otherwise activated

Subd. 2. *Prohibition.* No person shall smoke cannabis flower, cannabis products, or hemp-derived consumer products within a public park or recreation area.

Subd. 3. *Penalty.* A violation of this Section is a petty misdemeanor.

SECTION 2 SUMMARY PUBLICATION. Pursuant to Minn. Stat. § 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The City is prohibiting the smoking of cannabis flower, cannabis products, and hemp-derived consumer products within a public park or recreation area. A violation of this Section is a petty misdemeanor.

SECTION 3 EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Adopted by the City Council of the City of Mendota Heights this _____ day of _____, 202__.

CITY OF MENDOTA HEIGHTS

Stephanie Levine, Mayor

ATTEST:

Christine Lusian, City Clerk

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA
ORDINANCE NO. 2023-XX

AN ORDINANCE AMENDING TITLE 4, CHAPTER 6 OF THE CITY CODE OF THE CITY OF MENDOTA HEIGHTS, MINNESOTA, DAKOTA COUNTY, UPDATING THE SOCIAL HOST ORDINANCE.

The city council of the City of Mendota Heights, Minnesota, does hereby ordain: Title 4-6 is amended as follows: (new material is underlined; deleted material is lined out)

SECTIONS:

- 4-6-1: Purpose And Findings
- 4-6-2: Definitions
- 4-6-3: Prohibited Acts
- 4-6-4: Penalty

4-6-1 : PURPOSE AND FINDINGS:

Events and gatherings held on private or public property where alcohol, and/or intoxicating substances, including intoxicating cannabinoids, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products are possessed or consumed by persons under 21 years old are harmful to those persons and constitute a threat to public health requiring prevention and abatement. Holding a person criminally responsible for hosting an event or gathering where underage possession or consumption of alcohol and/or other intoxicating substances, including intoxicating cannabinoids, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products occurs will serve as a deterrent. This ordinance is not intended to apply to nonintoxicating cannabinoids or medications prescribed by an appropriate medical provider.

The city council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under twenty one (21) years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplies the alcohol. The city council finds:

A. ~~Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty one (21) are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.~~

B. ~~Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol related traffic collisions.~~

C. — Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.

D. — Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present, and condone the activity, and in some circumstances provide the alcohol.

E. — Even though giving or furnishing alcohol to an unrelated underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption.

F. — A deterrent will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption of alcohol occurs. (Ord. 455, 12-3-2013)

4-6-2 : DEFINITIONS:

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ALCOHOL: Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

ALCOHOLIC BEVERAGE: Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

CANNABIS FLOWER, CANNABIS PRODUCTS, LOWER POTENCY HEMP EDIBLES, AND HEMP DERIVED CONSUMER PRODUCTS shall have the meanings as defined in Minn. Stat. §342.01 (enacted under Minnesota Laws 2023, and as amended).

EVENT OR GATHERING: Any group of three (3) or more persons who have assembled or gather together for a social occasion or other activity.

HOST OR ALLOW: To aid, conduct, entertain, organize, supervise, control, or permit a gathering or event.

INTOXICATING SUBSTANCE: A drug or chemical, as those terms are defined in Minn. Stat. § 151.01, that when introduced into the human body impairs the central nervous system or impairs the human audio, visual, or mental processes. “Intoxicating substance” includes but is not limited to alcohol, alcoholic beverages, intoxicating cannabinoids, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products.

PARENT: Any person having legal custody of a juvenile, such as a natural, adoptive parent, or stepparent, as a legal guardian; or as a person to whom legal custody has been given by order of the court.

PERSON: Any individual, partnership, copartnership, corporation, or any association of one or more individuals. A person does not include any city, county, or state agency.

RESIDENCE, PREMISES OR PUBLIC OR PRIVATE PROPERTY: Any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a

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dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

UNDERAGE PERSON: Any individual under twenty one (21) years of age. (Ord. 455, 12-3-2013)

4-6-3 : PROHIBITED ACTS:

A. Unlawful To Host Event Or Gathering: It is unlawful for any person(s) to host or allow an event or gathering at any residence, premises, or on any other private or public property where alcohol, alcoholic beverages, and /or intoxicating substances, including intoxicating cannabinoids, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products are present when the person knows or reasonably should know that an underage person will or does:

1. Consume any alcohol or alcoholic beverage;
2. Consumes intoxicating substances, including intoxicating cannabinoids, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products; or
2. Possess any alcohol, alcoholic beverage, and /or intoxicating substances, including intoxicating cannabinoids cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products with the intent to consume it, and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

B. Criminal Responsibility: A person is criminally responsible for violating this section if the person intentionally aids, advises, hires, counsels, or conspires with another to commit the prohibited act.

C. Host Does Not Have To Be Present: A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible for a violation of this section.

D. Exceptions: This section does not apply to the following persons or situations:

1. Conduct solely between an underage person and his or her parents while present in the parent's household.
2. Legally protected religious observances.
3. Licensed retail sellers of intoxicating liquor or 3.2 percent malt liquor licenses, municipal liquor stores, or bottle club permit holders who are regulated by Minnesota statutes 340A.
4. A landlord, mortgagee, hotel or motel owner or operator who has not actually participated in knowingly furnishing alcohol for an event or gathering.
5. Medical procedures or treatment authorized by a physician.
6. Law enforcement activities supervised by a law enforcement agency.

7. When underage persons are lawfully in possession of alcohol, alcoholic beverages, and /or intoxicating substances, including intoxicating cannabinoids cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products during the course and scope of employment. (Ord. 455, 12-3-2013)

4-6-4 : PENALTY:

- A. **Violation; Penalties:** Violation of a provision of this chapter is a misdemeanor and, upon conviction thereof, a person may be punished by a fine of not more than one thousand dollars (\$1,000.00), or such other amount set by law, or imprisonment for a term not to exceed ninety (90) days, or such other term set by law, or both. Each act of violation and each day on which a violation occurs or continues is a separate violation. (Ord. 455, 12-3-2013)

Adopted by the City Council of the City of Mendota Heights this _____ day of _____, 2023.

CITY OF MENDOTA HEIGHTS

Stephanie B. Levine, Mayor

ATTEST:

Christine Lusian, City Clerk