

EMERGENCY ORDINANCE NO. 525

AN EMERGENCY ORDINANCE TEMPORARILY PROHIBITING SMOKING WITHIN
WELLES PARK DURING THE WILKIN COUNTY FAIR

The City Council of the City of Breckenridge hereby ordains as follows:

Section 1. PREAMBLE - STATEMENT OF EMERGENCY. An emergency exists due to the recent passage of Minnesota House File #100 (to be codified as Minnesota Statute § 342.01 et. seq.). Upon review and research, it has been discovered that smoking of marijuana is legal in public, after August 1, 2023, unless a municipality has enacted legislation forbidding smoking of marijuana in public. The City of Breckenridge is currently drafting an ordinance to forbid smoking of marijuana in public places, including parks. The city council will not be able to enact this ordinance prior to the Wilkin County Fair, which runs from August 17 to August 20, 2023. The fair is attended by a large number of people, including many children. The smoking of marijuana or tobacco among and around children is dangerous to their health. Due to this circumstance, an emergency ordinance is required for the immediate preservation of the public peace, health and safety of the citizens of Breckenridge.

Section 2. REQUIREMENTS AND RESTRICTIONS. Smoking and/or vaping of marijuana or tobacco is prohibited within Welles Park. The definition of the term “smoking” applies to this emergency ordinance and is defined in City of Breckenridge Ordinance §170-2.

Section 3. PENALTY; ENFORCEMENT. Any person found in violation of the requirements and restrictions contained in Section 2 of this emergency ordinance shall be guilty of a petty misdemeanor in accordance with City of Breckenridge Ordinance §1-1.

Section 4. EFFECTIVE DATE. This emergency ordinance shall be effective starting at 2:00 a.m. on August 17, 2023.

Section 5. EXPIRATION DATE. This emergency ordinance shall expire upon the earlier of (1) the passage of a city ordinance that supersedes this emergency ordinance; (2) midnight on December 31, 2023.

Passed by the City Council of the City of Breckenridge, Minnesota, this 7th day of August, 2023.

RUSSELL WILSON, Mayor

ATTEST:

LORI A. CONWAY, City Administrator