

ORDINANCE AMENDING CHAPTER 38 OF THE CITY CODE ADDING ARTICLE VIII PROHIBITING TOBACCO USE IN CITY PARKS AND FACILITIES

ARTICLE VIII. – TOBACCO-FREE PARKS AND PUBLIC PLACES

Sec. 38-300. Purpose.

The City of Champlin believes that there is sufficient medical evidence showing that the use of tobacco and second-hand smoke is hazardous to health, that the discarding of tobacco products on the ground can result in litter and can pose a risk of harm by, among other things, being ingested by young children, and that it is desirable to provide a safe and healthy environment for residents and members of the public while using city owned facilities and parks. The purpose of this chapter is to set forth the rules banning the use of tobacco products in city parks, facilities and public areas, thereby making such areas cleaner, safer, and more enjoyable for city residents and the public.

Sec. 38-301. Definitions.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

City facilities means any building owned or operated by the City of Champlin, including outdoor areas of the lot or parcel on which the building is situated.

City park means any open or enclosed land and improvements or facility which is owned, leased or operated by the City of Champlin and which is reserved, designated or used for a playground, picnic area, garden area, beach, bike or walking path, trail, nature preserve, green space, tennis court, sports or athletic field, skating rink, warming house, or other recreational open space area, and includes city owned parking areas serving a city park or city facility and sidewalks located directly adjacent to a city park or facility.

Smoking means inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product, and includes carrying a lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation.

Tobacco or tobacco product means any substance, item or product containing, made, or derived from tobacco leaf, including, but not limited to cigarettes; cigars; pipe tobacco; snuff; fine cut or other chewing tobacco; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff flowers; cavendish; shorts; plug and twist tobaccos; dipping tobaccos; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco leaf prepared in such manner as to be suitable for chewing, sniffing or smoking.

Use means smoking, inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, or plant in any manner or in any form; chewing; sniffing; and spitting.

Sec. 38-302. Prohibited activities.

- (a) *Tobacco use prohibited in certain areas.* Smoking and other tobacco use is prohibited in the following areas:
- (1) City parks;
 - (2) City facilities; and
 - (3) Inside motor vehicles owned or operated by the city.

(b) *Exceptions.* Notwithstanding any other provision to the contrary, the following areas are exempt from the provisions of this chapter:

- (1) Any specifically designated outdoor areas of city facilities; and
- (2) City streets, easements, and sidewalks unless located adjacent to or within city parks.

Sec. 37-20. Enforcement.

- (a) Violators of this chapter will be asked to extinguish and dispose of the tobacco product and/or to leave the city park or city facility. A refusal to leave upon request of a police officer or other city official may result in a charge of a petty misdemeanor.
- (b) *Complaints.* Any citizen who witnesses violation of this chapter may register a complaint with the city administrator or his/her designee.