

ORDINANCE NO. 17-01
AN ORDINANCE PROHIBITING SMOKING OF TOBACCO PRODUCTS
ON CITY OWNED PROPERTIES

WHEREAS, the smoking of tobacco is a danger to health, a cause of material discomfort and a health hazard to those who are exposed to secondhand smoke; and

WHEREAS, in order to serve public health, the City of Manzanita finds and declares the purpose of this Ordinance is to establish City property as a smoke free environment where persons will be free from inhaling smoke by prohibiting the smoking of tobacco products on City property, now therefore

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

SECTION 1: Definitions. For the purpose of this ordinance, the following shall mean:

City-owned property: City-owned property means a building, structure or space, and land appurtenant to that building or structure owned by the City.

Right-of-way: Includes, but is not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including subsurface and air space over these areas.

Smoking: Any inhaling, exhaling, burning, or carrying of any lighted cigar, cigarette, or pipe, or any other tobacco product intended for inhalation, in any manner or in any form. Smoking also includes the use of an electronic smoking device that creates aerosol or vapor, in any manner or in any form.

Tobacco Product: Any tobacco cigarette, cigar, pipe tobacco, or any other form of tobacco which may be utilized for smoking, inhalation or other means of ingestion.

SECTION 2: Smoking Banned on City Property. No person shall smoke tobacco products on any City owned property, parks and other outdoor areas owned by the City, but not including City right-of-ways. City owned property includes but is not limited to the following places:

- A. City Hall, Old Fire station and hall, including parking lots, landscaping, walkways and storage areas.
- B. City parks, undeveloped parks, and associated trails and walking paths.
- C. City facilities, including water treatment plant, public works building, storage facilities and reservoirs.
- D. Public restrooms and city-owned open spaces.

SECTION 3: Violation and Penalties. It is a Class C Civil Infraction as provided in Ordinance No. 15-01 to smoke or ingest tobacco products on any City owned property as provided by Section 2 above.

SECTION 4: Severability. The separate provisions of this Ordinance are hereby declared to be independent from one another; and if any cause, sentence, paragraph, section or part of this Ordinance shall for any reason be adjudged invalid by any court of competent jurisdiction, all remaining parts shall remain in full force and effect.

PASSED FIRST READING by the Council this 8th day of February, 2017.

PASSED SECOND READING by the Council this 8th day of March, 2017.

APPROVED by the Mayor this 8th day of March, 2017.

Michael Scott, Mayor

ATTEST:

Jerald P. Taylor, City Manager/Recorder