

ORDINANCE 2008- 6

AN ORDINANCE PROHIBITING SMOKING IN THE CITY'S PARKS, RECREATIONAL FACILITIES, AND NEAR MASS GATHERINGS.

WHEREAS, the City of Millville (the "City") has authority to protect the public health, welfare, and sanitation; and

WHEREAS, health and well-being is highly regarded by the citizens of Millville and important to sustaining quality of life and tobacco, smoking, and second-hand smoke on these premises detracts from and is contrary to health, well-being, and sustaining quality of life for all citizens of Millville; and

WHEREAS, tobacco and smoke free areas eliminate litter caused by improperly discarded cigarette butts and boxes, reduces facility maintenance and improves the air and environment; and

WHEREAS, based on the findings of the Utah Legislature in Utah Code Section 78-38-.5, the City hereby finds that the U.S. Environmental Protection Agency (EPA) has determined that environmental tobacco smoke is a Group A carcinogen, in the same category as other cancer causing chemicals such as asbestos; and

WHEREAS, the EPA has determined that there is no acceptable level of exposure to Class A carcinogens; and

WHEREAS, the United States Surgeon General has determined that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke; and

WHEREAS, reliable studies have shown that breathing side stream or secondhand smoke is a significant health hazard, in particular for elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

WHEREAS, the Americans with Disabilities Act, which requires that disabled persons have access to public places and work places, deems impaired respiratory function to be a disability; and

WHEREAS, cigarette butts are not biodegradable and discarding cigarette butts and tobacco onto the ground in places such as city parks, recreational areas, and cemeteries, and at the locations of mass gatherings is unsightly, unclean, and particularly hazardous to small children and animals who handle and sometimes ingest them, which can lead to serious health effects; and

WHEREAS, littering in city parks and near mass gatherings, including littering of cigarette butts, shall not be tolerated; and

WHEREAS, smoke free parks are important for the health of children and adults; and

WHEREAS, because children imitate adult behavior, the elimination of smoking in places such as city parks, recreational areas, and near mass gatherings furthers the goal of reducing youth smoking; and

WHEREAS, prohibition of smoking in the City's parks, recreational facilities, and near mass gatherings is recognized and supported by the Bear River Health Department; and

WHEREAS, the Millville City Council held a public hearing on 6th day of *November*, 2008 to receive input on said ordinance; and

WHEREAS, the City finds that the prohibition of smoking in the City's parks, recreational facilities, and near mass gatherings serves to protect the health, safety, and welfare of persons in the City.

NOW, THEREFORE, BE IT ORDAINED that the Millville City Council finds that it is in the best interest of the City of Millville and the citizens thereof to establish the following ordinance that prohibits smoking in the City's parks, recreational facilities, and near mass gatherings.

Title 8 – Health & Safety, Chapter 8.40 Smoking Prohibited in City Parks, Recreational Areas, and Near Mass Gatherings

A. Definitions

1. "City park" means and includes city-owned parks and recreational areas, including, city-owned spectator and concession areas, playgrounds, public squares, City office, City museum, athletic fields, and walking and biking trails.
2. "Mass gathering" means an outdoor assembly of 50 or more people on city-owned property that reasonably can be expected to continue for at least one hour.
3. "Smoke" or "smoking" means and includes: possession, carrying, or holding a lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, emitting, or exhaling of smoke of a pipe, cigar, or cigarette of any kind, or of any other lighted smoking equipment.

B. Prohibitions

Smoking is hereby prohibited

1. In city parks
2. Within twenty-five (25) feet of bus stops
3. Within fifty (50) feet of mass gatherings

A violation of this ordinance is an infraction punishable as a Class "C" misdemeanor but not by imprisonment. Peace officers shall have the discretion to issue a "warning" if they deem it is in the best interests of the city for the first offense.

C. Exceptions

The restrictions of this Section are subject to any applicable State or Federal exemptions.

D. Posting of Signs

"No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every city park.

This Ordinance shall take effect on the date of posting.

Passed by the Millville City Council this *6th* day of *November*, 2008.



BY:

Michael E. Johnson, Mayor

Rose Mary Jones, City Recorder

COUNCILMEMBER	YES	NO	ABSENT	ABSTAIN
Mark Bodily	X			
David Hair	X			
Brian Jensen	X			
Michael Jessop	X			
Jared Taylor	X			

Posted: *November 7, 2008*