



CITY OF PATASKALA

ORDINANCE 2019-4351

Passed November 18, 2019

AN ORDINANCE CREATING, ESTABLISHING, AND ADOPTING SECTION 955.14 (PROHIBITING TOBACCO USE IN ALL RECREATIONAL AREAS) OF CODIFIED ORDINANCES OF THE CITY OF PATASKALA

WHEREAS, Council for the City of Pataskala believes tobacco use, and the secondhand smoke generated from tobacco use, near children and adults engaging in or watching outdoor activities at City-owned or operated recreational facilities can cause serious health concerns, including coronary heart disease, stroke, and lung cancer. In children, secondhand smoke also can cause severe asthma attacks, respiratory infections, and ear infections; and

WHEREAS, the City of Pataskala has a unique opportunity to create and sustain an environment that supports a non-tobacco norm through a tobacco-free zone policy, rule enforcement, and adult peer role modeling; and

WHEREAS, in addition to the serious health concerns, cigarettes and smokeless tobacco products once consumed in public space become litter and require additional maintenance expenses. This litter diminishes the beauty and enjoyability of the City's park/recreational facilities; and

WHEREAS, because the Park and Recreation Board believes the creation of tobacco free zones in City parks serves to protect the health, safety and welfare of the residents of, and visitors to, the City of Pataskala, it recommends Council for the City of Pataskala adopt these regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF ALL MEMBERS ELECTED OR APPOINTED THERETO CONCURRING, THAT:

Section 1: Council for the City of Pataskala hereby creates, establishes, and adopts Section 955.14 (Tobacco Use Prohibited) of the Codified Ordinances of the City of Pataskala, as set forth in the document attached hereto as Exhibit A and incorporated herein by reference.

Section 2: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision-making bodies of the

City of Pataskala which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

Section 4: This Ordinance shall become effective from and after the earliest period allowed by the Charter of the City of Pataskala.

ATTEST:

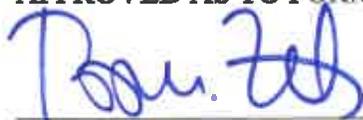


Kathy M. Hoskinson, Clerk



Michael W. Compton, Mayor

APPROVED AS TO FORM:



Brian M. Zets, Law Director

955.14 TOBACCO USE PROHIBITED

(a) Purpose

The City of Pataskala is committed to providing a safe and healthy environment for its residents and visitors who use the City's many recreational areas. Tobacco use is the leading cause of preventable death and disease in the United States, and the U.S. Surgeon General determined there is no risk-free level of exposure to secondhand smoke.

Electronic delivery devices, more commonly referred to as electronic cigarettes or e-cigarettes typically contain nicotine, which is highly addictive, and their use: (1) closely resembles and purposefully mimics the act of smoking; (2) produces an aerosol or vapor of undetermined and potentially harmful substances; (3) is increasing among adults and youth; (4) is especially concerning among youth because of the negative impacts of nicotine on the developing adolescent brain; (5) threatens to re-normalize smoking, potentially jeopardizing tobacco control efforts of the past and present; and (6) creates confusion and leads to difficulties enforcing smoking prohibitions.

Cigarettes and smokeless tobacco products once consumed in public spaces often become litter and require additional maintenance expenses. This litter diminishes the beauty and enjoyability of the City's park/recreational facilities.

The City of Pataskala believes tobacco use is detrimental to the public's health and has determined that prohibiting the use of tobacco products and electronic delivery devices in all recreational areas serve to protect the public's health, safety and welfare.

(b) Definitions

(i) "All times" means 24 hours a day, seven days a week.

(ii) "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 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.

(iii) "Recreational areas" mean all facilities, parks, trails, open space, and other property owned, leased, rented, contracted, used, or controlled by City of Pataskala for parks and recreational purposes. The term includes, but is not limited to, restrooms, spectator and concession areas, playgrounds, athletic fields, beaches, and aquatic areas.

(iv) "Smoke or smoking" means inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other tobacco 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 or plant product intended for inhalation, or an electronic delivery device that is turned on or otherwise activated.

(v) "Tobacco or tobacco product" means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to cigarettes; cigars and other smoking tobacco; snuff and other chewing tobacco; electronic delivery devices; and any other kinds and forms of tobacco. The term excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

(vi) "Tobacco use" means the act of smoking, the use of smokeless tobacco, the use of an electronic delivery device, or the use of any other tobacco product.

(c) Prohibition

Tobacco use is prohibited at all times in or on all recreational areas or within 100 feet of a recreational area, except in designated parking lot area locations specified by the City of Pataskala.

Tobacco use as part of a Native American spiritual or cultural ceremony, is not a violation of this section if the tobacco use is requested in advance, and the City Manager, or his designee, approves the request prior to the ceremony.

(d) Signage shall be posted at conspicuous locations to inform residents, visitor, and recreational area users about the policy.