

ORDINANCE NO. 10-25 AC CMS

AN ORDINANCE AMENDING CHAPTER 927 OF THE CODIFIED ORDINANCES OF THE CITY OF OBERLIN, OHIO, PERTAINING TO CITY PARKS AND RECREATION AREAS TO ADD SECTION 927.29 BANNING SMOKING AND THE USE OF SMOKELESS TOBACCO IN CERTAIN DESIGNATED AREAS OF CITY PARKS AND DECLARING AN EMERGENCY

WHEREAS, Oberlin parks are intended to be places of safe, healthy recreation and enjoyment for all persons; and

WHEREAS, the Surgeon General of the United States has found that the use of tobacco products is known to lead to certain cancers, and that secondhand smoke causes premature death and disease in children; and

WHEREAS, tobacco products also result in litter that detracts from the beauty of our parks.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1: That there is hereby added the following Section 927.29 to Chapter 927 of the Codified Ordinances of the City of Oberlin to ban smoking and the use of smokeless tobacco products in certain designated areas of City parks:

927.29 TOBACCO.

1. Smoking, as defined in Section 506.01(m) of the Codified Ordinances, and the use of smokeless tobacco products is hereby prohibited in any areas of any Oberlin Park, as defined in Section 927.00, as may be established by the City Manager as non-smoking and tobacco-free zones.
 - a. No person found to be smoking or using smokeless tobacco products in such designated non-smoking and tobacco-free zones in a park shall fail to immediately cease said activity when requested to do so by City staff, a Police Officer, a person charged with the management, operation or care of any City-owned park, or any baseball or softball umpire or soccer official.
 - b. Should a person found to be smoking or using smokeless tobacco products in a non-smoking and tobacco free zone in a park not immediately cease said activity when requested to do so, pursuant to Section a. herein, he or she shall be guilty of a minor misdemeanor.
 - c. Persons who repeatedly violate this section may be permanently banned from City Parks.
 - d. Lack of intent to violate a provision of this chapter shall not be a defense to a violation.

- 2. At least one sign informing the public of the ban shall be placed at the entrance of each such non-smoking and tobacco-free zone established by the City Manager. Notice shall also be placed at such location(s) within each park designated for notices and information, and shall be included in appropriate forms, documents and other materials provided to residents and others when reserving park facilities or space.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit:

“to establish regulations to protect the health and safety of patrons of Oberlin Parks at the earliest possible date”,

and shall take effect immediately upon passage.

PASSED: 1st Reading – April 5, 2010
 2nd Reading – April 19, 2010
 3rd Reading – May 3, 2010 (Effective in 30 days)

ATTEST:



 BELINDA B. ANDERSON, CMC
 CLERK OF COUNCIL



 KENNETH SLOANE
 PRESIDENT OF COUNCIL

POSTED: 05/04/2010

EFFECTIVE DATE: 05/03/2010