

ORDINANCE 14-10

WHEREAS, on January 6, 1994, the Hyrum City Council passed and posted an ordinance adopting the "Hyrum City Municipal Code", a recodification of municipal ordinances encompassing the "Revised Ordinances of Hyrum City" and ordinances adopted through July 15, 1993; and

WHEREAS, Title 9 of the Hyrum City Municipal Code sets forth regulations governing public peace, morals, and welfare, including the sale and use of cigarettes, tobacco, and psychotoxic chemicals; and

WHEREAS, studies have shown that concentrations of secondhand tobacco smoke in many outdoor areas are often as high, or higher than in some indoor areas; and

WHEREAS, drifting tobacco smoke, even outdoors can trigger asthmatic attacks, bronchial infections and other serious health problems in nonsmokers; and

WHEREAS, the health and well-being is highly regarded by the citizens of Hyrum and important to sustaining quality of life and tobacco smoking, and second-hand smoke on public premises detracts from and is contrary to health, well-being, and sustaining quality of life for all citizens in Hyrum; 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, the United States Surgeon General and EPA have determined there is no acceptable level of exposure to Class A carcinogens found in environmental tobacco smoke; 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, the Hyrum City Council finds that the prohibition of smoking in City's parks, recreational facilities, and cemeteries, and near mass gatherings serves to protect health, safety, and welfare of persons in the City.

NOW, THEREFORE, the Hyrum City Council hereby adopts, passes, and publishes the following:

AN ORDINANCE AMENDING CHAPTER 9.52 (THE CIGARETTES, TOBACCO, AND PSYCHOTOXIC CHEMICALS ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE TO PROHIBIT CIGARETTES, TOBACCO, ENDS, AND PSYCHOTOXIC CHEMICALS AT OUTDOOR VENUES.

BE IT ORDAINED by the City Council of Hyrum City, Cache County, State of Utah, as follows:

1. Section 9.52.010 of the Hyrum City Municipal Code is hereby amended to read as follows:

9.52.010 Definitions.

For the purpose of this chapter:

"Enclosed public place" means the dining room in hotels, restaurants, cafes and cafeterias, theaters, arenas, passenger elevators, streetcars, buses, interurban and railway passenger coaches, motor and other passenger vehicles used by common carriers, railway station waiting rooms, and state, county and city buildings; but the owner or proprietor of any hotel dining room, restaurant, cafe or cafeteria may designate the same as a public smoking room by a conspicuous sign at or near the entrance, and in any state, county or city building any public officer who has a private office separate and apart from his public office may, if he so desires, designate the private office as a place where smoking may be permitted, and, so long as the private office is so designated, smoking therein shall not be considered in violation of this section.

"Place of business" means any and all such places as shops, stores, factories, public garages, offices, theaters, recreation and dancehalls, poolrooms, cafes, cafeterias, cabarets, restaurants, hotels, lodging houses, streetcars, buses, interurban and railway passenger coaches and waiting rooms. (Prior code § 13-1010, 13-1011)

"Outdoor Venues":

City Park - means and includes city-owned parks and recreational areas inside Hyrum City Limits including, city owned spectator and concession areas, playgrounds, public squares, cemeteries, rodeo grounds, athletic fields, and walking and biking trails.

Mass Gathering - means and outdoor assembly of 50 or more people on city-owned property that reasonably can be expected to continue for at least one hour.

"Smoke or Smoking" means and includes: possession, carrying, or holding a lighted pipe, cigar, **electronic nicotine devices (ENDS)**, or cigarette of any kind, or any other lighted smoking equipment or the lighting, emitting, exhaling of smoke of a pipe, cigar, or cigarette of any kind, or of any other lighted smoking equipment.

2. Section 9.52.015 of the Hyrum City Municipal Code is hereby added to read as follows:

9.52.015 Use of Tobacco in Public Parks Prohibited.

Smoking or carrying lighted cigarettes, pipes, cigars, **electronic nicotine devices**, and other tobacco products on all publicly owned or leased areas including city-owned parks and recreational areas inside Hyrum City Limits including, city owned spectator and concession areas, playgrounds, public squares, cemeteries, rodeo grounds, athletic fields, and walking and biking trails is prohibited.

A violation of this ordinance is an infraction punishable by a fine not to exceed twenty five dollars (\$25.00) but not by imprisonment.

3. REPEALER. All ordinances, resolutions, and zoning maps of the city, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

4. DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

5. EFFECTIVE DATE. This ordinance shall become effective upon posting three (3) copies in three (3) public places within Hyrum City.

6. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 20th day of November, 2014.

HYRUM CITY

BY: _____
Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Posted: