

ORDINANCE NO.: 2024-13
SPONSOR: MAYOR YEARGIN
INTRODUCED: NOVEMBER 12, 2024 **ASSIGNED TO:** _____

AN ORDINANCE REPEALING SECTION 97.12 “SMOKING IN CITY BUILDINGS OR VEHICLES” AND AMENDING SECTION 97.13 “SMOKING AND SMOKELESS TOBACCO PRODUCTS IN ALL CITY PARKS” OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN.

WHEREAS, the City of Green has previously adopted a Smoke-Free Campus Policy that applies to and prohibits City employees and visitors from smoking on the campus of the Central Administration Building, including all areas of the building and city-owned property surrounding the Central Administration Building, and Central Park; and

WHEREAS, the City of Green desires to create Smoke-Free Parks by prohibiting smoking and the use of smokeless tobacco products in all city owned parks; and

WHEREAS, Codified Ordinance Section 97.11 prohibits “Smoking in Places of Public Assembly”; and

WHEREAS, notwithstanding the above, the City Administration is recommending that City Council amend an Ordinance to specifically prohibit smoking and the use of smokeless tobacco products in all city-owned parks, including its indoor and outdoor facilities, grounds, pavilions, sports fields, sports courts, and parking lots; and

WHEREAS, City Council deems it in the best interest of the City and its residents to amend Ordinance 97.13 to prohibit smoking and the use of smokeless tobacco products in all city-owned parks.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

Green City Council hereby repeals Section 97.12 “Smoking in City Buildings or Vehicles” of the City’s Codified Ordinances in its entirety.

~~(A) Smoking or the possession of lighted smoking material in any building or portion thereof, which building is owned, leased or controlled by the city, or in any vehicle owned, leased or controlled by the city, is hereby prohibited, except as allowed in division (B) of this section. This prohibition is applicable to the public at large and to employees of the city.~~

~~(B) The Fire Chief is hereby authorized to designate an area or areas within any city building where tobacco products may be used by employees on the condition that the designated area or areas may be used for smoking only when said use does not expose other employees who do not use tobacco products to smoke. Any area so designated by the Fire Chief shall conform to acceptable Fire Code standards and shall be adequately ventilated.~~

- ~~(C) The Service Director shall be charged with the enforcement of this section.~~
~~(D) Whoever violates this section shall be subject to the following fines:~~
~~—(1) Twenty five dollars for a first offense;~~
~~—(2) Fifty dollars for a second offense; and~~
~~—(3) One hundred dollars for each offense thereafter.~~
~~(Prior Code, § 660.135) (Ord. 97-16, passed 1-27-1998)~~

SECTION TWO:

Green City Council hereby amends Section 97.13 of the City’s Codified Ordinances to read in its entirety as set forth below:

“Section 97.13 SMOKING AND SMOKELESS TOBACCO VAPING PRODUCTS PROHIBITED IN CENTRAL PARK ALL CITY PROPERTIES, BUILDINGS, AND VEHICLES.

- (A) ***ALL SMOKING AND VAPING***, as defined below, and the use of smokeless tobacco products is hereby prohibited in any areas of Central Park, including, but not limited to, its indoor and outdoor facilities, grounds and parking lots on or within all city properties, including the use of tobacco, marijuana, and any other smoke producing products or substances.
- (B) **“City Property”** is defined as any enclosed and/or unenclosed land owned or managed by the City, including but not limited to City buildings, city parks, city trails, public parking lots, landscaped areas, and any vehicles owned, leased, or controlled by the City.
- (C) **“Tobacco”** means any lit or unlit cigarette, electronic cigarette, vape pen, or any other smoking product in any form.
- (D) **“Marijuana”** means marijuana as defined in Section 3719.01 of the Ohio Revised Code, and any amendment thereto.
- (E) **“Smoking and vaping”** means inhaling, exhaling, burning, the act of lighting, or carrying any lighted or smoldering or heated tobacco product or plant product intended for inhalation in any manner or form, including the use of an electronic smoking device and a vapor product.
- (1) No person found to be smoking or using smokeless tobacco **vaping** products on or within in Central Park City property shall fail to immediately cease said activity when requested to do so by eCity staff, a law enforcement officer or a person charged with the management, operation or care of Central Park City property.
 - (2) ~~Should a~~ **any** person found to be smoking or using smokeless tobacco **vaping** products in Central Park on or within city property who does not immediately cease said activity when requested to do so, as described in division (A)(1) of this section, he or she shall be guilty of a minor misdemeanor.
 - (3) Persons who repeatedly violate this section, may be permanently banned from Central Park City property.
 - (4) Lack of intent to violate this section shall not be a defense to a violation.

(5) **Notwithstanding this city-wide smoking ban on or within City Property, smoking and vaping of tobacco products only shall be permitted in designated outdoor areas of Public Golf Courses. The Golf course must clearly mark designated smoking areas and non-smoking areas with clear signage.**

~~(B)~~ (F) At least one sign informing the public of the ban shall be placed at each entrance to ~~Central Park~~ **City Property** and notification of the prohibition shall be included in appropriate forms, documents and other materials provided to residents and others when reserving ~~Central Park~~ **City Property**, facilities and grounds.

~~(C)~~ **SMOKING** is defined to mean ~~inhaling, exhaling, burning, carrying, the act of lighting, or carrying any lighted or smoldering cigar, cigarette, or pipe of any kind, or other lighted smoking device for burning tobacco or any other plant, or the lighting, activating, emitting or exhaling the smoke or vapor of a pipe, cigar, or cigarette, or electronic cigarette.~~

(Prior Code, § 660.1355) (Ord. 2016-12, passed 10-11-2016)

SECTION THREE:

Any other ordinances or parts thereof in conflict herewith be, and the same hereby are, repealed to the extent of the conflict and all ordinances not amended by this Ordinance shall remain in full force and effect.

SECTION FOUR:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council or any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION FIVE:

This Ordinance shall take effect and be in force from and after the earliest time allowed by law.

ADOPTED: _____, 2024

Nichole Messner, Clerk of Council

Christopher "C.J." Meager, Council President

APPROVED: _____, 2024

Rocco P. Yeargin, Mayor

ENACTED EFFECTIVE: _____, 2024

ON ROLL CALL: Babbitt _____ DeVitis _____ Neugebauer _____ Miller _____

Noble _____ Meager _____ Speight _____

PUBLICATION CERTIFICATION

I, Nichole Messner, Clerk of Council of the City of Green, County of Summit and State of Ohio, whose custody the original files and records of said council are required to be kept by the laws of the State of Ohio, do hereby certify that the above legislation was duly published in the *Southside Leader* on _____ and _____, 2024.

Nichole M. Messner, Clerk of Council

11/5/2024 Approved as to form and content by Lisa Carey Dean, Law Director _____