

**AN ORDINANCE AMENDING PART FIVE (GENERAL OFFENSES CODE) OF THE CITY OF CORTLAND’S CODIFIED ORDINANCES BY ESTABLISHING SECTION 521.101 TO PROHIBIT SMOKING IN CITY PARKS**

**WHEREAS**, the protection of the health, welfare, and safety of the public is of paramount importance to the City of Cortland; and

**WHEREAS**, research has shown that tobacco smoke contains more than 7,000 chemicals, including hundreds that are toxic and about 70 that can cause cancer. Additionally, it has been found that even brief exposure to secondhand smoke can be harmful to a persons’ health. In particular, for children secondhand smoke can cause ear infections, more frequent and severe asthma attacks, respiratory symptoms (coughing, sneezing, and shortness of breath), respiratory infections (bronchitis and pneumonia), and places a child at greater risk for sudden infant death syndrome (SIDS); and

**WHEREAS**, the City desires to protect persons, especially young children and pregnant mothers who partake in the use of City of Cortland’s public parks from the harmful effects of secondhand smoke by prohibiting smoking in said parks; and

**WHEREAS**, under the authority of Section 3.01 of the City of Cortland Charter and pursuant to Article XVIII Sections 3 and 7 of the Ohio Constitution and in furtherance of the City’s public purpose of the protection of the health, welfare, and safety of the public this amendment to the City of Cortland General Offense Code creates Chapter 521.101 to effectuate the City’s above stated desire by prohibiting smoking in City Parks; and

**WHEREAS**, the City Parks and Recreation Board approved the creation of Section 521.101 at their December 11, 2017 meeting and now recommends Cortland City Council to approve the amendments.

**NOW, THEREFORE:**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CORTLAND, OHIO:**

**Section 1.** Part Five (General Offenses Code) Chapter 521 (Health, Safety, and Sanitation Code) of the Codified Ordinances of the City be amended by the adoption of new Section 521.101 as follows:

**521.101 SMOKING PROHIBITED AT CITY PARKS.**

(a) Definitions.

- (1) As used in this section, “smoke” or “smoking” means inhaling, exhaling, burning or carrying;
  - a. Any lighted cigar, cigarette, pipe or other lighted smoking device for burning tobacco or any other plant; or
  - b. Any activated electronic cigarette
- (2) “Electronic Cigarette” means any electronic product or device that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device to simulate smoking and likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.
- (3) As used in this section, “City Parks” is defined as City Administration Recreation Fields, Pearl Park, Point Park, Rotary Park and Willow Park and any other City Park(s) established after the effective date of this legislation.

(b) No person shall smoke or be smoking at any of the City parks.

(c) A person who violates section (b) is subject to a citation only if he or she refuses or fails to cease smoking immediately upon being requested or ordered to do so by a City of Cortland Police Officer.

(d) Whoever violates this section is guilty of a minor misdemeanor.

**Section 2.** All other sections of Chapter 521 shall remain the same.

**Section 3.** If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 4.** This Ordinance shall take effect and be in full force as early as allowed by law.

**PASSED IN COUNCIL THIS 5<sup>TH</sup> DAY OF MARCH, 2018**

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
PRESIDENT OF COUNCIL

FILED W/ MAYOR \_\_\_\_\_  
DATE

\_\_\_\_\_  
MAYOR

DATE APPROVED \_\_\_\_\_

**ROLL CALL**

**FIRST READING**

Edwards, aye  
Fleischer, aye  
Keller, aye  
Moore, aye  
Petrosky, aye  
Piros, aye  
Rowley, absent

**SECOND READING**

Edwards, aye  
Fleischer, aye  
Keller, aye  
Moore, aye  
Petrosky, aye  
Piros, aye  
Rowley, aye

**THIRD READING**

Edwards, aye  
Fleischer, aye  
Keller, aye  
Moore, aye  
Petrosky, aye  
Piros, aye  
Rowley, aye

**OFFICIAL SEAL**