

ORDINANCE NO. 12-06

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING THE FALCON HEIGHTS CITY CODE
CONCERNING TOBACCO FREE PARKS**

THE CITY COUNCIL OF THE CITY OF FALCON HEIGHTS ORDAINS:

Section 1. Chapter 34 of the Falcon Heights City Code is amended by adding Article III to read:

Article III – TOBACCO FREE PARKS

34-55 PURPOSE. The City of Falcon Heights believes that there is sufficient medical evidence showing that the use of tobacco and second-hand smoke is a danger to the health, safety and general welfare of the community. Numerous studies have found that tobacco smoke is a cause for diseases and second hand smoke is particularly hazardous for children and the elderly. Discarding of tobacco products on the ground can result in litter and pose a risk of harm by, among other things being ingested by young children. The purpose of this Ordinance is to set forth rules banning the use of tobacco products in city parks, thereby making such areas cleaner, safer and more enjoyable for residents and the general public.

34-56 DEFINITIONS. For the purpose of this code section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

City Parks means any open or enclosed land improvements or facility which is owned, leased and operated by the City of Falcon Heights and which is reserved, designated or used for a playground, picnic area, garden area, bike or walking path, trail, nature preserve, green space, tennis court, sports or athletic field, staking rink, warming house, or other recreational open space area, and includes city owned parking areas serving city parks or city facility and sidewalks located directly adjacent to a city park or facility.

Tobacco means cigarettes and 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; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco

excludes any tobacco 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.

Use means smoking, inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, or plant in any manner of in any form, chewing, sniffing, and spitting.

34-57 PROHIBITED ACTIVITIES.

A. *Tobacco use prohibited in certain areas.* Tobacco use is prohibited in the following areas:

- (1) City Parks;
- (2) Inside motor vehicles owned or operated by the City;
- (3) Inside motor vehicles at City Parks.

B. *Exceptions.* Notwithstanding any other provision to the contrary, the following areas are exempt from the provisions of this chapter:

- (1) City streets, easements, and sidewalks unless located adjacent or within city parks.

34-58 POSTING OF SIGNS

A. "Tobacco-Free Grounds" sign or signs with a similar designation will be clearly and conspicuously displayed at City Parks to notify the public that smoking and other tobacco use is prohibited.

34-59 ENFORCEMENT

A. *Complaints.* Any citizen who desires to register a complaint under this chapter may initiate enforcement with the City Administrator or his/her designee.

B. *Violation and Penalty.* It shall be a petty misdemeanor for any person to use tobacco in an area where tobacco use is prohibited by the provisions of this chapter.

C. *Other applicable laws.* This chapter shall not be interpreted or construed to permit tobacco use where it is otherwise restricted by other applicable laws.

Section 2. This ordinance is effective immediately upon its passage and publication.

ADOPTED this 27th day of June, 2012, by the City Council of
Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: Peter Lindstrom
Peter Lindstrom, Mayor

ATTEST:

Bart Fischer
Bart Fischer, City Administrator/Clerk