

A BILL FOR AN ORDINANCE AMENDING)	Ordinance Bill No. 2011-14
CHAPTER 12.12 OF THE LEBANON MUNICIPAL)	
CODE CONCERNING SMOKING IN PUBLIC)	Ordinance No. 2827
PARKS AND DECLARING AN EMERGENCY)	

WHEREAS, the United States Environmental Protection Agency (EPA) has found secondhand smoke to be a risk to public health, and has classified secondhand smoke as a Group A carcinogen, the most dangerous class of carcinogen; and

WHEREAS, public parks are areas where children are likely to congregate, gather, play and/or engage in athletic competitions; and

WHEREAS, prohibiting smoking at public parks will protect users of the parks from the risks of secondhand smoke exposure; and

WHEREAS, cigarette and cigar butts and used matches dropped in public parks have negative environmental impacts and degrade the aesthetic quality of those areas; and

WHEREAS, lit cigarettes and cigars cause damage to city property and cigarette butts are the most common type of litter found in city parks.

NOW, THEREFORE, THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. Section 12.12.015 (Definitions) of the Lebanon Municipal Code is hereby amended to add: *“Smoke” or “Smoking” means the carrying or holding of a lighted pipe, cigar, cigarette or other lighted smoking product or equipment used to burn any tobacco products, weed, plant, or any other combustible substance.*

Section 2. Section 12.12.140 (Violation and Penalty) of the Lebanon Municipal Code is hereby renumbered as Section 12.12.190.

Section 3. Section 12.12 of the Lebanon Municipal Code is hereby amended to read as follows:

12.12.140 Smoking Prohibited in City Parks

No person shall smoke in a City Park except as specifically authorized by this Chapter.

12.12.150 Signs

“No Smoking” signs, which identify the area where smoking is prohibited, shall be posted at the entrance(s) to all city parks, and at reasonable places and intervals at locations where smoking is prohibited; provided, however, that the absence of a “no smoking” sign shall not justify a violation of nor preclude enforcement of this section.

12.12.160 Smoking Area – Special Permit – Issuance Authority

Any Applicant who seeks a public event or exhibition permit from the City of Lebanon may request, as part of that application, that a “permitted smoking area” be allowed as part of the public event or exhibition. Such requests shall be evaluated consistent with this Chapter and Chapter 5.36. If approved, such areas shall be clearly marked and set aside for no other purpose and shall be situated away from common areas (i.e., not located near entrances, exits, walkways, lobbies, picnic sites, recreational fields, shelters, gazebos, restrooms, activity areas, and similar amenities or uses). If such approval is granted, it shall be the responsibility of the event organizer to provide appropriate receptacles for the disposal of all smoking related trash and debris.

12.12.170 Camping Exception

Smoking shall be permitted in all specifically designated camping areas as defined by Section 12.12.040. This exception is limited to the immediate area surrounding a lawfully reserved and occupied campsite but does not extend to the common areas of any City Park.

12.12.180 Motor Vehicle Exception

The restrictions of this Chapter shall not apply to persons within a motor vehicle.

Section 4. Inasmuch as the prompt and continuous enforcement of the elimination of smoking in city parks is necessary for the peace, health and safety of the people of the City of Lebanon, an emergency is declared to exist, and this ordinance is effective upon its passage by the City Council.

Adopted by the Lebanon City Council and executed by the Mayor this 12th day of October, 2011, with 5 “Yeas” and 0 “Nays”.

CITY COUNCIL OF LEBANON, OREGON



Kenneth I. Toomb, Mayor
Bob Elliott, Council President

ATTEST:


Linda Kaser, City Clerk/Recorder *10/12/2011*