

ORDINANCE 15-02

AN ORDINANCE RELATING TO PROHIBITING SMOKING AND THE USE OF TOBACCO AND NICOTINE IN A PUBLIC PARK AND PROVIDING PENALTIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, IOWA:

Section 1. Chapter 47 of the Code of Ordinances is amended by adding the following new section:

47.16 SMOKING AND THE USE OF TOBACCO, NICOTINE PRODUCTS AND VAPORIZERS PROHIBITED. Smoking and the use of any tobacco product, nicotine product, or electronic vaporizer, by any person, in any publicly owned outdoor park or outdoor recreational facility is prohibited at all times. The term “publicly owned outdoor park or outdoor recreational facility” means any publicly owned outdoor park or facility including any park, playground, athletic field or complex, skate park, aquatic area, shelter, trail and includes any associated restroom or parking lot. The term “tobacco product” as used in this section means any cigarette or tobacco product as defined in Chapter 453 of the Iowa Code. The term “nicotine product” as used in this section means any product containing nicotine including look-a-like products where the original would include tobacco or nicotine including products that are dissolvable, spit less, snus, or for chewing. The term “smoking” as used in this section means inhaling or exhaling from any lighted or heated pipe, cigar, cigarette, or any other lighted or heated tobacco, plant material, liquid, oils, nicotine or other chemicals that may be inhaled by the user. The term “electronic vaporizer” as used in this section means any device, including, but not limited to e-cigarettes, e-pens, e-hookah, e-cigars, and vape pens used to vaporize plant material, liquids, oils, nicotine or other chemicals that may be inhaled by users. This section does not apply to the use of prescription medications by the person to whom the prescription was issued nor to the use of gum or patches designed as and marketed for smoking cessation.

Section 2. Section 82.02 of the Code of Ordinances is amended by adding the following new subsection:

12. 82.02 - Smoking and the use of Tobacco, Nicotine, or Vaporizers in a park.

Section 3. This Ordinance shall be in effect on August 1, 2015 from and after its passage and publication as provided by law.

Passed and approved this 7th day of May, 2015.

R. J. Spinks
Raleigh J. Spinks, Jr., Mayor pro tem

ATTEST:

Wesley A. Nelson
Wesley A. Nelson, City Clerk

CERTIFICATE OF SERVICE

The undersigned City Clerk of Marion, Iowa certifies that the ordinance shown immediately above was published in the Marion Times on the 21 day of May, 2015.
Wes Nelson /cc
City Clerk