

ORDINANCE NO. 1388-16

AN ORDINANCE AMENDING TUALATIN MUNICIPAL CODE CHAPTER 6-9 TO PROHIBIT THE USE OF TOBACCO PRODUCTS AND INHALANT DELIVERY SYSTEMS ON CITY PROPERTY AND RENUMBERING CERTAIN PROVISIONS.

WHEREAS, the City of Tualatin has general management, control, and supervision of all City property; and

WHEREAS, tobacco use on City property affects public health and safety; and

WHEREAS, smoking and tobacco products consumed in public spaces are often discarded on the ground requiring additional maintenance expenses, diminishing the beauty and cleanliness of such spaces, and posing a risk to children, pets and wildlife, and of fire; and

WHEREAS, it is the desire of the City of Tualatin to protect and promote public health, safety and welfare by providing environments free of smoking, use of inhalant delivery systems, vaping and tobacco use at all City property;

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Municipal Code Chapter 6-9 is amended to add the following provisions:

TMC 6-9-010. Definitions.

- (1) "Inhalant Delivery System" means any noncombustible product that employs mechanical heating element, electronic element, battery, circuit, cartridge, or other system and that is capable of being used to ingest tobacco, nicotine, or other drug or plant solution, and includes electronic cigarettes, devices or products.
- (2) "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, grass, plant, liquid, vapor or any other tobacco or tobacco-like product or any substance in any manner or any form. This includes the use of any inhalant delivery system, electronic smoking device, or other delivery devices, which creates smoke, vapor, aerosol or any other byproduct, in any manner or in any form.
- (3) "Tobacco Product" means any product that contains tobacco or nicotine, or is derived from tobacco or nicotine. This includes all combustible, smokeless and electronic products and devices, and includes smokeless tobacco products such as dips, snuffs, and chewing tobacco.

- (4) "Tobacco Use" means smoking, inhaling, exhaling, vaping, use of an inhalant delivery system, use of an electronic cigarette or other smoking device, the use of smokeless tobacco products, dips, snuffs, chewing tobacco, and any other ingestion or consumption of a tobacco product.

TMC 6-9-020. Tobacco Use and Use of Inhalant Delivery Systems Prohibited on City Premises.

(1) Tobacco use, smoking, and the use of any inhalant delivery system is prohibited in the following areas:

- (a) All property owned or managed by the City of Tualatin or the Tualatin Development Commission, including but not limited to libraries, civic facilities, parklands, plazas, commons, open spaces, easements, and greenways;
- (b) All parking lots owned or managed by the City of Tualatin or the Tualatin Development Commission; and
- (c) All sidewalks and landscaped areas immediately adjacent to those areas identified in subsections (1)(a) and (1)(b).

(2) The City Manager is directed to post signs at appropriate locations to provide public notice of these prohibitions.

TMC 6-9-030. Exceptions to Prohibition of Tobacco Use on City Premises.

The provisions of TMC 6-9-020 do not apply to tobacco cessation products and prescription medications approved by the United States Food and Drug Administration.

TMC 6-9-040. Violation is Civil Infraction. A person who violates or refuses to comply with this Chapter commits a civil infraction and is subject to a fine. The amount of the fine will be \$100 for the first violation and \$500 for each subsequent violation occurring within 12 months of the first violation. Each violation of this Chapter constitutes a separate civil infraction.

Section 2. TMC 6-9-010, adopted by Ordinance No. 1075-01, is renumbered 6-8-035. TMC 6-9-020 and 6-9-030, adopted by Ordinance No. 1075-01, are deleted in their entirety.

Section 3. Effective Date. This ordinance is effective on May 31, 2016.

Section 4. Severability. If any part of this ordinance is held invalid by a court of competent jurisdiction the remainder of this ordinance remains in full force and effect.

INTRODUCED AND ADOPTED this 14th day of March, 2016.

CITY OF TUALATIN OREGON

BY _____

Mayor

APPROVED AS TO LEGAL FORM

BY _____

City Attorney

ATTEST:

BY _____

City Recorder