

## **ORDINANCE SMOKE-FREE PUBLIC SPACES**

**WHEREAS**, the City of Duluth is charged with providing for the health, safety and welfare of the citizens of the City; and

**WHEREAS**, the City of Duluth believes that use of tobacco, hemp, marijuana, or other smoke emitting substance and or device in the proximity of children and adults engaging in or watching indoor and outdoor recreational activities at the City of Duluth, visiting City owned or operated facilities, buildings, public spaces or plazas is detrimental to their health and can be offensive to those using such facilities, spaces, buildings, areas and city owned vehicles; and

**WHEREAS**, the City of Duluth, Georgia has a unique opportunity to create and sustain an environment that supports a non-smoking norm through a smoke free policy and rule enforcement, in the City of Duluth, Georgia for indoor and outdoor recreational activities at the City of Duluth owned or operated facilities, buildings, public spaces, parking areas or plazas and city owned vehicles; and

**WHEREAS**, smoke emitting devices and their byproducts, once consumed in public spaces are often discarded on the ground requiring additional maintenance expenses, diminish the beauty of the City of Duluth, Georgia recreational facilities, buildings, plazas and public areas, vehicles, and pose a risk to toddlers due to ingestion and chewing, and possess similar litter and property damage problems in addition to health concerns; and

**WHEREAS**, exposure to the dangers of secondhand smoke pose a health hazard to all; and

**WHEREAS**, the City of Duluth, Georgia determines that the prohibition of tobacco, hemp, marijuana, or other smoke emitting substance and or device use at the City of Duluth, Georgia indoor and outdoor recreational activities at the City of Duluth owned or operated facilities, buildings, public spaces, parking areas or plazas and city owned vehicles serves to protect the health, safety and welfare of the citizens of our City.

**NOW THEREFORE**, the City Council of the City of Duluth, Georgia, hereby ordains as follows:

### Section 1:

That Chapter 10.5 Article III of the Code of Ordinances of the City of Duluth, Georgia, is hereby deleted in its entirety and replaced with the following:

### **ARTICLE III. – SMOKE FREE PUBLIC SPACES**

**Sec. 10.5-51.** - It shall be unlawful to use any form of tobacco, hemp, marijuana, or any smoke emitting substance and or device including but not limited to; cigarettes, E-Cigarettes, smokeless tobacco, pipes and or pens, at or on any city-owned or operated buildings, indoor or outdoor recreational facilities, including but not limited to playgrounds, restrooms, athletic fields, rivers, parks, walking/hiking trails, agency owned vehicles, spectator and concession areas or public plazas, public sidewalks or public parking areas within the downtown entertainment district as described in Article II Section 3-268 (b) of the Code of Ordinances.

**Sec. 10.5-52.** - Enforcement.

- (a) Appropriate signs shall be posted in the above specified areas, buildings and or vehicles.
- (b) The city's marketing department will develop an education campaign to inform the community of the new policy.

- (c) Staff will make periodic observations of the above specified areas to monitor for compliance. Visitors smoking will be asked to refrain while in the above specified areas or buildings or leave the premises. If they refuse, law enforcement officers will be contacted to escort the person off the premises or cite the person for trespassing in case the person refuses to leave the property.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

**IT IS SO ORDAINED this 9th day of September, 2019.**

\_\_\_\_\_  
Mayor Nancy Harris

Those councilmembers voting in favor:

\_\_\_\_\_  
Marsha A. Bomar, Post 1

\_\_\_\_\_  
Kirkland Carden, Post 2

\_\_\_\_\_  
Billy Jones, Post 3

\_\_\_\_\_  
Kelvin J. Kelkenberg, Post 4

\_\_\_\_\_  
Greg Whitlock, Post 5

Those councilmembers voting in opposition:

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\_\_\_\_\_  
\_\_\_\_\_

ATTEST: \_\_\_\_\_  
Teresa S. Lynn, City Clerk