

## ORDINANCE 23-100

Introduced by Councilor Baker

### AN ORDINANCE AMENDING CHAPTER 22 - HEALTH

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

#### **ARTICLE II. SMOKING IN PUBLIC PLACES**

##### **Sec. 22.019. Purpose and definitions.**

- (a) *Purpose.* The purpose of this article is to protect employees and the general public from the hazards of secondhand smoke by eliminating smoking in public places, places of employment, public transportation, and at public meetings as stated in Minn. State § 144.412.
- (b) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*City parks* mean any open or enclosed land or improvements or facility wherever located which is owned, leased, or operated by the city and which is reserved, designated, or used as a playground, picnic area, garden area, beach or other recreational or open space area.

*Indoor area* means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than fifty (50) percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. An eleven thousandths (0.011) gauge window screen with an eighteen (18) by sixteen (16) mesh count is not a wall.

*Prohibited substances* means any tobacco, tobacco products, tobacco-related devices, or electronic delivery devices or any other substance labeled as not safe for or intended for human consumption. Any cannabis flower, or cannabis product that can be inhaled through the means of smoking or an electronic device.

*Public place* means any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; retail stores and other commercial establishments; educational facilities or public schools; hospitals; nursing homes; auditoriums; arenas; meeting rooms; common areas of rental apartment buildings; city parks; and any place owned by the city, including, but not limited to:

- (1) City Arena, located at 701 Lake Chapeau Drive, Albert Lea, Minnesota.
- (2) City Hall, located at 221 East Clark Street, Albert Lea, Minnesota.

*Smoking* means inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, electronic cigarette, electronic delivery device, or lobelia delivery device, or any other lighted tobacco or

cannabis plant product. The term "smoking" also includes carrying a lighted cigar, cigarette, pipe, electronic delivery device, or any other lighted tobacco or plant product intended for inhalation.

**Sec. 22.020. Ingesting a prohibited substance prohibited in certain places.**

- (a) Unless otherwise permitted, no person shall ingest by smoking or chewing any prohibited substance at any public place or public vehicles.
- (b) Smoking is prohibited within twenty-five (25) feet of entrances, exits, open windows and ventilation intakes of public places.
- (c) Any person violating this section is guilty of misdemeanor.
- (d) Signage to enforce the provisions of this section shall be approved by the city.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor S. Rasmussen and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson, and Mayor Murray.

And, the following voted against the same: None.

Introduced the first time on the 14<sup>th</sup> day of August, 2023

Introduced the second time on the 28<sup>th</sup> day of August, 2023

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Mayor Rich Murray

Filed and attested on the 29<sup>th</sup> day of August, 2023

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Secretary of the Council