

ORDINANCE NO. 19-08

AN ORDINANCE PROHIBITING SMOKING IN CITY
PARKS.

BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That Section 933.01 Park hours and conditions of use be amended as follows, to add subsection (f). The existing subsection f will now be subsection (g):

- (a) All City Parks shall be open from dawn to dusk daily, except as follows:
 - (1) There is a sign posted in the park by the City establishing hours of operation that are different from those established herein.
 - (2) The City Manager or his designee grants written approval for the use of a park outside its established hours of operation.
- (b) Definitions:
 - (1) Dawn is defined as one hour before sunrise.
 - (2) Dusk is defined as one hour after sunset.
 - (3) **SMOKING IS DEFINED FOR THE PURPOSES OF THIS SECTION AS INHALING, EXHALING, OR BURNING, OR CARRYING ANY LIGHTED CIGAR, CIGARETTE, CIGARILLO, PIPE, OR OTHER LIGHTED SMOKING DEVICE FOR BURNING TOBACCO OR ANY OTHER PLANT.**
 - (4) **ELECTRONIC CIGARETTE IS DEFINED FOR THE PURPOSES OF THIS SECTION AS ANY ELECTRONIC PRODUCT OR DEVICE THAT PRODUCES A VAPOR THAT DELIVERS NICOTINE OR ANY OTHER SUBSTANCE TO THE PERSON INHALING FROM THE DEVICE TO SIMULATE SMOKING, AND THAT IS LIKELY TO BE OFFERED TO OR PURCHASED BY CONSUMERS AS AN ELECTRONIC CIGARETTE, ELECTRONIC CIGAR, ELECTRONIC CIGARILLO, OR ELECTRONIC PIPE.**
- (c) The City Manager may permit the exclusive use of an area of any City park.
- (d) Written approval for the use of a park outside its established hours or for the exclusive use of an area of a park shall be at the discretion of the City Manager or his designee and may be subject to terms, conditions, or restrictions established by the City Manager.
- (e) The City Manager may order all or part of a City Park to be closed in order to promote and protect public health, safety, and welfare.
- (F) **NO PERSON SHALL ENGAGE IN SMOKING OR USE AN ELECTRONIC CIGARETTE WITHIN ANY CITY PARK, WITH THE EXCEPTION OF HIDDEN VALLEY GOLF COURSE.**

(f)(G) No person shall enter or remain on the premises of a City Park in violation of this section. A violation of this Section constitutes a criminal trespass in violation of Section 541.05.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

PASSED: April 22, 2019

YEAS 4 NAYS 1
ABSTAIN 0

ATTEST: Glenn McCroskey
CITY CLERK

Cathy K. Koff
MAYOR