

**CHAPTER 626
SMOKING ON CITY OWNED PROPERTY**

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626.01 FINDINGS; INTENT; SCOPE.

(a) Medical studies have conclusively shown that exposure to secondhand smoke from tobacco causes illness and disease, including lung cancer, heart disease, and respiratory illness. Smoking has been declared by the State Legislature pursuant to Chapter 3794 of the Ohio Revised Code to be a statewide concern and, therefore, it is in the best interests of public health that smoking of tobacco products be prohibited and/or restricted on property owned or under the control of the City. Pursuant to ORC 3794.01 et. seq., there is now a uniform statewide minimum standard to protect people from the health hazards associated with exposure to secondhand smoke from tobacco. Furthermore, in 1993 this City enacted a comprehensive ordinance pertaining to Clean Indoor Air. It is the intent of this Chapter to supplement chapter 620 of our General Offense Code to make air safer to breath on all property owned or under the control of the City by banning smoking outdoors on all such property except at specifically designated smoking areas as may be provided herein.

(b) The provisions of this chapter shall be liberally construed so as to further its purpose of protecting public health and shall prevail over any less restrictive state or local laws or regulations. Nothing in this chapter shall be construed to permit smoking where it is otherwise prohibited by other laws or regulations.

626.02 DEFINITIONS.

As used in this chapter:

(a) "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant. "Smoking" does not include the burning of incense in a religious ceremony.

(b) "Public outdoor place" means and refers to outdoor spaces and related areas which are owned or under the control of the City of North Royalton and open to the public without regard to whether or not a fee or admission is charged and includes but is not limited to: Seating areas of outdoor sports and recreation facilities, outdoor ticket areas, parking lots, playing fields, concession stands, dugouts, bench areas, restrooms, or places provided for access to City owned property, the City Green, Memorial Park, York Road Recreation Fields, Heasley Field or any other property owned by the city wherein the primary activity occurring on said property is softball, baseball or soccer.

626.03 SMOKING IN PUBLIC PLACES PROHIBITED.

(a) Smoking is hereby prohibited in a public outdoor place as defined in Section 626.02 except in specific areas designated as smoking areas by the Mayor, Safety Director or Service Director. Designated smoking areas shall not be created anywhere at the York Road Recreation Fields, Heasley Field or any other property owned or operated by the city

wherein the sole recreational activity occurring on said property is softball, baseball or soccer.

(b) Smoking is hereby prohibited in any restroom, bathroom, storage shed, or any structure located at the York Road Recreational Fields, Heasley Field, or any other property owned by or under the control of the city wherein the sole recreational activity occurring on said property is softball, baseball or soccer.

(c) No person or employer shall discharge, refuse to hire, or in any manner retaliate against an individual for exercising any right, including reporting a violation, or performing any obligation under this chapter.

(d) No person found to be smoking in a Public outdoor Place shall fail to immediately cease said activity when requested to do so by the Mayor, Service Director, Safety Director, Recreational Director, Police Officer, or person charged with management or care of any City owned park or property including a baseball or softball umpire or soccer official.

(e) Lack of intent to violate a provision of this chapter shall not be a defense to a violation.

626.04 Complaints

The Mayor or his designated representative shall establish a procedure whereby citizens making complaints of violations of this chapter may be directed for referral by telephone or other electronic form of communication

626.05 INTERPRETATION OF CHAPTER.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise prohibited by law or to relieve any person from any liability arising from exposure to tobacco smoke.

626.05 PENALTIES

(a)(1) Whoever violates subsection 626.03(a), (b) or (d) hereof is guilty of a minor misdemeanor. Upon a conviction for a first offense the fine shall be not more than \$10.00; upon a conviction for a second offense the fine shall be \$50.00; upon a conviction for a third or subsequent offense the fine shall be \$150.00

(2) Whoever violates subsection 626.03(c) is guilty of a misdemeanor of the third degree and shall be fined not more than 750.00 dollars or incarcerated not more than 90 days in or both.