



City of Conway, Arkansas Ordinance No. <u>0-10-31</u>

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AN ORDINANCE PROHIBITING SMOKING AND THE USE OF TOBACCO PRODUCTS IN PARKS AND RECREATIONAL AREAS IN THE CITY OF CONWAY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, based on findings by the U.S. Surgeon General and/or the Centers for Disease Control and Prevention, the Conway City Council has determined that:

- A. Smoking and the use of tobacco products are hazardous to health.
- B. Second hand smoke is a significant public health hazard.
- C. Second hand smoke is especially hazardous to particular groups, including those with chronic health problems, the elderly and children.
- D. Smoking endangers children and others in city owned or operated parks and recreational facilities by exposing them to second hand smoke.
- E. Discarding cigarettes, cigars, and tobacco products onto the ground in and around City owned or operated parks and recreational facilities is unsightly, unclean and hazardous to children and others.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

## **Section 1: Definitions**

- (a) **Tobacco product**. For purposes of this Ordinance "tobacco product" means a cigarette, cigar, snuff, chewing tobacco, dip, or other preparations of pulverized tobacco, smoking tobacco, or tobacco of any kind suitable for chewing or smoking or any article made of tobacco or tobacco substitute.
- (b) **Smoking**. For purposes of this Ordinance "smoking" means inhaling, exhaling, or carrying any lighted cigarette, cigar, pipe, plant, or other combustible substance in any manner or in any form.
- (c) Recreational facility. For purposes of this Ordinance "recreational facility" means a building, office or structure, enclosed or open, which is accessible by the public, owned leased or operated by the City of Conway; and are used for athletics, recreation, relaxation, entertainment, cultural development, and other recreational activities, including, without limitation, park pavilions, amphitheaters, covered stage areas, tennis courts, walking/bike trails, athletic fields, baseball fields, softball fields, dugouts, and various other similar park or recreation facilities.
- (d) **City park.** For purposes of this Ordinance, "city park" means any real property owned, leased or operated by the City of Conway, which by reason of location, natural features, scenic beauty, or historical

interest, possesses distinctive physical, aesthetic, intellectual, creative or social values and are used for athletics, recreation, relaxation, entertainment, cultural development, and other recreational activities.

## Section 2: Prohibition of Smoking or Use of Tobacco Products in All City Parks and Recreational Facilities, and within 50 Feet of City Parks and Recreational Facilities.

- (a) Smoking and use of tobacco products shall be prohibited in any and all present and future city Parks and recreational facilities.
- (b) Smoking and use of tobacco products shall be prohibited at all times in all City Park or Recreational facility.
- (c) Disposal shall be prohibited at all times of any cigarette, cigar or tobacco product, or any part of a Cigarette, cigar, or tobacco product in any city park or recreational facility.

## Section 3: Violations; penalties.

- (a) Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and Subject to the following penalties:
  - (1) A fine of twenty five dollars (\$25) plus court costs for the first offense.
  - (2) A fine of fifty dollars (\$50) plus court costs for the second offense.
  - (3) A fine of one hundred dollars (\$100) plus court costs for the third and subsequent offense.
- (b) Any person who smokes or uses tobacco products in an area where smoking or use of tobacco Products is prohibited and who refuses to cease smoking or the use of such products when asked May be required to leave the premises, and shall be subject to prosecution for criminal trespass if He does not leave when asked.
- **Section 4:** That any ordinance which conflicts with this ordinance is hereby repealed to the extent Of the conflict.
- Section 5: That this ordinance is necessary for the protection of the peace, health and safety of the Citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

Passed this 23<sup>rd</sup> day of March, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett City Clerk/Treasurer