



**COMMUNITY DEVELOPMENT COMMITTEE - DAN SKINNER
MONDAY OCTOBER 23, 2017**

COMMITTEE MEETING: 7:30 PM

**PLACE: COUNCIL CHAMBERS
7232 E. MAIN ST, REYNOLDSBURG, OH 43068**

President: DOUG JOSEPH

Ward Members: Ward I – Stephen M. Cicak
Ward II – Brett Luzader
Ward III – Marshall Spalding
Ward IV - Mel Clemens

At Large Members: Barth R. Cotner
Chris Long
Dan Skinner, Esq.

COMMITTEES:

Community Development: Chmn Skinner, Spalding, Cicak, Clemens
Safety: Chmn Long, Cicak, Clemens, Spalding
Service: Chmn Luzader, Clemens, Spalding, Cicak
Finance: Chmn Cotner, Long, Luzader, Skinner

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Agenda is subject to amendment by Committee/Council at the time of the meeting.

All meetings of the Council shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies.

If you wish to speak before City Council concerning a specific topic on the agenda, or about a specific topic not on the agenda, please complete a “Speaker Form” and give to the Clerk of Council. Forms are located in the wooden box on one of the bench seats in the atrium. Copies of the Rules of Discussion are available next to the wooden box.

*April Beggerow
Clerk of Council*

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes
 - a. Community Development Committee – Committee Meeting – October 9, 2017
4. Discussion
 - a. Tobacco/Smoking in City Parks

CITY OF REYNOLDSBURG

COMMUNITY DEVELOPMENT COMMITTEE - DAN SKINNER **MONDAY OCTOBER 9, 2017**

COMMITTEE MEETING: 7:30 PM

PLACE: COUNCIL CHAMBERS
7232 E. MAIN ST, REYNOLDSBURG, OH 43068

1. Call to Order

PRESENT: Clemens, Skinner, Cicak, Spalding, Joseph

ABSENT:

2. Approval of Agenda

3. Approval of Minutes

a. Community Development Committee – Committee Meeting – September 25, 2017

RESULT:	ACCEPTED
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4. Discussion

a. Tobacco/Smoking in City Parks

Mr. Skinner: I got an email, but I do want to hone in on this today, I got an email request to hold it, but I would like to have know, get some feedback as to when we would be seeing some legislation. Mr. Roth are you standing in for Mr. Hood?

Mr. Roth: Yes.

Mr. Skinner: Ok, this is something we requested back in July, so I'm not trying to hold, I know you're kind of put in an awkward position, but is it something, can I get an update on a time line as to when we're going to get an ordinance?

Mr. Roth: Mr. Hood said 2 weeks. Mrs. Bauman was out with her family most of last week so they didn't get to sit down and work on anything.

Mr. Skinner: Ok, so meaning 2 weeks, by the next meeting?

Mr. Roth: Yes.

Mr. Skinner: Ok, is he, do you know if he's going to have different drafts? At the last meeting we talked about different types of proposals, is the intent to have 2 different types of ordinances.

Minutes Acceptance: Minutes of Oct 9, 2017 7:30 PM (Approval of Minutes)

Mr. Roth: That I don't know. He did not discuss that with me.

Mr. Skinner: Ok, I'll have April follow up with your office later this week and we'll see if we can get that buttoned down.

RESULT:

ITEM HELD

Next: 10/23/2017 7:30 PM

Minutes Acceptance: Minutes of Oct 9, 2017 7:30 PM (Approval of Minutes)

Community Development Committee**Dan Skinner****Phone****ORDINANCE REQUEST**

DATE: **October 23, 2017****TO:** **Community Development Committee****RE:** Tobacco/Smoking in City Parks

See attached for sample legislation from other Ohio Cities.

523.02 PROHIBITIONS.**(a) Indoor Smoking Ban.**

(1) No proprietor of a public place or place of employment shall permit smoking in said public place or place of employment within the City of Grandview Heights, except as provided in Section 523.03.

(2) All enclosed areas, including buildings and vehicles owned, leased, or operated by the City of Grandview Heights, shall be subject to the provisions of this chapter.

(b) Outdoor Smoking Restrictions.

(1) All areas immediately adjacent to the ingress and egress of any enclosed area shall be subject to the provisions of this Chapter so as to ensure that tobacco smoke does not enter the enclosed area through entrances, windows, ventilation systems, or other means.

(2) Smoking is prohibited in City parks and other public recreational facilities.

(c) Sale to Persons Under 21 Years of Age Prohibited.

(1) No person, business, retailer, or other establishment shall sell, permit to be sold, or offer for sale to any person under 21 years of age any cigarette, smoking materials or liquid nicotine within the City.

(2) Before selling any cigarettes, smoking materials, or liquid nicotine to another person, the person selling such smoking materials or liquid nicotine shall verify the person is 21 years of age or older by examining from any person that appears to be under 30 years of age a government- issued photographic identification that establishes the person is at least 21 years of age.

(3) No person, business, retailer, or other establishment shall sell, or offer to sell cigarettes, smoking materials, or liquid nicotine, by or from a vending machine, except in an area within a business, office, or other place not open to the general public or an area to which children are not generally permitted access.

(4) A violator of this section includes the person who sells, permits to be sold, or offers for sale cigarettes, smoking materials, or liquid nicotine to a person under 21 years of age as well as his or her employer and any person who controls the person who sells, permits to be sold, or offers for sale any such product to a person under 21 years of age.

(5) The following affirmative defenses shall apply to the prohibition on selling to persons under 21 years of age:

A. The person attempting to purchase was accompanied by his or her parent, spouse who is 21 years of age or older, or legal guardian; or

B. The person who sold, permitted to be sold, or offered for sale any smoking material or liquid nicotine is a parent, spouse who is 21 years of age or older, or legal guardian.

(6) Any cigarettes, smoking materials or liquid nicotine sold, permitted to be sold, offered for sale, or used by a person under 21 years of age in violation of this Chapter is subject to seizure, forfeiture, and disposal.

(d) No person under 21 years of age shall knowingly furnish false information concerning his or her name, age or other identifying factor for the purpose of obtaining cigarettes, tobacco products, e-cigarettes, or liquid nicotine.

(Ord. 2015-28. Passed 10-19-15.)

971.15 PERSONAL CONDUCT.

(a) No person in or adjacent to a park shall conduct himself/herself by word or by act, in a riotous, disorderly, boisterous, threatening or other manner so as to disturb the peace and good order of the park.

(b) No person shall use any sound amplification device audible more than 20 feet from the device without specific written permission from the Director. No speaker, amplifiers, or similar equipment shall be displayed outside of a vehicle.

(c) No person shall remain within the park that does not abide by conditions adopted and posted by the Department for the preservation of good order and the protection of property within the park; and no person shall remain within the park who does not abide by the instructions of a duly authorized peace officer or Department staff member in the lawful performance of their duties. Any person directed by a peace officer or Department staff member shall do so promptly and peaceably.

(d) No person shall obstruct, resist, or be abusive of, or use profanity to a peace Department staff member in and during the lawful performance of his/her duties.

(e) No person in the park shall willfully assault or commit bodily injury upon another or engage in or abet or aid in any fight, quarrel, or other disturbance.

(f) No person or groups of persons shall assemble in or adjacent to a park for any unlawful purpose or riotous assemblance or with intent to annoy, harass, or inflict property damage or bodily injury upon another person or persons or inflict damage to a park.

(g) No person in a park shall solicit or attempt to solicit another to engage in an act of sex perversion or solicit or request another to commit, perform or engage in any lewd, lascivious, obscene, or indecent act or behavior.

(h) No person with the intent to do so shall willfully interfere with, disrupt, or prevent the conduct of any recreational program event or activity conducted by or having been scheduled through the Department at a park or recreational facility.

(i) No person shall enter restrooms designated for the opposite sex unless necessary for maintenance, service or safety reasons.

(j) No person shall use any form of tobacco at or within 100 feet of the created zones in city-owned parks or operated outdoor facilities including the restrooms, spectator and concession areas, playgrounds, aquatic areas, athletic fields/courts, and special event venues.

(Ord. 37-03. Passed 5-27-03.)

AN ORDINANCE ESTABLISHING REYNOLDSBURG PARKS AND RECREATION TOBACCO FREE ZONES

Whereas, the City believes that tobacco use in the proximity of children and adults engaging in or watching outdoor activities at city-owned or operated facilities is detrimental to their health and that secondhand smoke can be dangerous for those using such facilities; and

Whereas, the City has a unique opportunity to create and sustain an environment that supports a non-tobacco norm through a tobacco-free zone policy, rule enforcement, and adult-peer role modeling within city-owned parks; and

Whereas, the City believes parents, leaders, coaches, and officials involved in recreation and leisure activities are role models for youth and can have a positive effect on the lifestyle choices they make; and

Whereas, cigarettes and smokeless tobacco products once consumed in public spaces become debris material and waste and are often discarded on the ground requiring additional maintenance expenses, can diminish the beauty of the City's facilities; and

Whereas, the City's Parks and Recreation Department determines that the creation of tobacco free zones in city parks serves to protect the health, safety and welfare of the citizens of Reynoldsburg.

Now Therefore, be it ordained by the City Council of the City of Reynoldsburg, Fairfield, Franklin, and Licking Counties, Ohio, that,

971.18 Tobacco Free Zones

No person shall use any form of tobacco at or within 100 feet of the created zones in city-owned parks or operated outdoor facilities including the restrooms, spectator and concession areas, playgrounds, aquatic areas, athletic fields/courts, and special event venues.

Grove City Tobacco Free Parks Ordinance

903.28 SMOKING PROHIBITION; SMOKE FREE ZONES.

(a) It shall be unlawful to smoke or carry lighted cigarettes, pipes, cigars, other tobacco products or smoking materials within all areas of public parks leased or owned by the City, which have been wholly designated as smoke free zones.

(b) Strict liability is intended for a violation of this section.

(Ord. C01-16. Passed 2-1-16.)

903.99 PENALTY.

(a) Whoever violates any provision set forth in Section [903.02](#) through [903.04](#), [903.06](#) through [903.11](#), [903.15](#), [903.19](#), [903.20](#), [903.24](#) and [903.28](#) shall be guilty of a minor misdemeanor for the first offense and guilty of a misdemeanor in the fourth degree for any subsequent offense within a twelve (12) month period.



[City/County]-Owned Outdoor Recreational Areas *Model Tobacco-Free Policy*



Section 1: Purpose

- 1.1. The [City/County] is committed to providing safe and healthy environments.
- 1.2. Tobacco use is the leading cause of preventable death and disease in the U.S.
- 1.3. Exposure to secondhand smoke has negative health impacts and the U.S. Surgeon General has determined there is no risk-free level of exposure to secondhand smoke.
- 1.4. Electronic delivery devices, more commonly referred to as electronic cigarettes or e-cigarettes typically contain nicotine, which is highly addictive, and their use (1) closely resembles and purposefully mimics the act of smoking, (2) produces an aerosol or vapor of undetermined and potentially harmful substances, (3) is increasing among both adults and youth, (4) is especially concerning among youth because of the negative impacts of nicotine on the developing adolescent brain, (5) threatens to re-normalize smoking, potentially jeopardizing tobacco control efforts of the past and present, and (6) creates confusion and leads to difficulties enforcing smoking prohibitions.
- 1.5. Cigarettes consumed in outdoor public places are often discarded on the ground as an environmental blight, diminishing the beauty of recreational areas, requiring additional maintenance expenses to clean up, and posing a fire risk as well as risk to human and animal health through potential ingestion and contamination of water sources.
- 1.6. The tobacco industry advertises at and sponsors recreational events to foster a connection between tobacco use and recreation.
- 1.7. The [City/County] believes parents, coaches, leaders, and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make.
- 1.8. The [City/County] believes tobacco use is detrimental to the public's health and has determined that prohibiting the use of tobacco products and electronic delivery devices in all [City/County] recreational areas serves to protect the public's health, safety and welfare.

Section 2: Definitions

- 2.1. **All times** means 24 hours a day, seven days a week.
- 2.2. **Electronic delivery device** means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol or vapor from the product. The term includes, but is not limited to, devices manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, vape pens, or e-hookah.
- 2.3. **Recreational areas** means all facilities, parks, trails, open space, and other property owned, leased, rented, contracted, used, or controlled by [City/County] for parks and recreational purposes. The term includes, but is not limited to, restrooms, spectator and concession areas, playgrounds, athletic fields, beaches, and aquatic areas.

2.4. Smoke or smoking means inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other tobacco or plant product, or inhaling or exhaling aerosol or vapor from any electronic delivery device. Smoking includes being in possession of a lighted or heated cigar cigarette, pipe, or any other tobacco or plant product intended for inhalation, or an electronic delivery device that is turned on or otherwise activated.

2.5. Tobacco or tobacco product means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to cigarettes; cigars and other smoking tobacco; snuff and other chewing tobacco; electronic delivery devices; and any other kinds and forms of tobacco. The term excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

2.6. Tobacco use means the act of smoking, the use of smokeless tobacco, or the use of any other tobacco product in any form.

Section 3: Policy

3.1. Tobacco use is prohibited at all times in or on all recreational areas.

3.2. It is not a violation of this policy to use tobacco in or on recreational areas as part of a Native American spiritual or cultural ceremony. Approval from [City/County] administration must be requested and received prior to the ceremony.

Section 4: Enforcement

4.1. Signage will be posted at strategic locations to inform the community and recreational area users about the policy.

4.2 [City/County] staff and volunteers will be notified about this policy through the employee manual.

4.3 The success of this policy depends on the consideration and cooperation of all. Enforcement of the policy is a shared responsibility of [City/County] staff and recreational area users. [City/County] staff will communicate the policy to event organizers. [City/County] staff will also make periodic observations of recreational areas to monitor for compliance.

4.4 Any individual found violating this policy will be reminded and asked to comply before being subject to ejection from the recreational area. [City/County] staff found violating this policy may be subject to disciplinary action.

Section 5: Effective Date

This policy is effective on [effective date].

Appropriate [City/County] Official

Date

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(c) No person shall remain within the park that does not abide by conditions adopted and posted by the Department for the preservation of good order and the protection of property within the park; and no person shall remain within the park who does not abide by the instructions of a duly authorized peace officer or Department staff member in the lawful performance of their duties. Any person directed by a peace officer or Department staff member shall do so promptly and peaceably.

(d) No person shall obstruct, resist, or be abusive of, or use profanity to a peace Department staff member in and during the lawful performance of his/her duties.

(e) No person in the park shall willfully assault or commit bodily injury upon another or engage in or abet or aid in any fight, quarrel, or other disturbance.

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(g) No person in a park shall solicit or attempt to solicit another to engage in an act of sex perversion or solicit or request another to commit, perform or engage in any lewd, lascivious, obscene, or indecent act or behavior.

(h) No person with the intent to do so shall willfully interfere with, disrupt, or prevent the conduct of any recreational program event or activity conducted by or having been scheduled through the Department at a park or recreational facility.

(i) No person shall enter restrooms designated for the opposite sex unless necessary for maintenance, service or safety reasons.

(j) No person shall use any form of tobacco or electronic nicotine delivery systems in city-owned parks or outdoor facilities used or operated by the Parks and Recreation department. Tobacco and nicotine free zones shall be established by placing appropriate signage as determined by the Director or his/her designee.

(Ord. 37-03. Passed 5-27-03.)