



**COMMUNITY DEVELOPMENT COMMITTEE - DAN SKINNER
MONDAY SEPTEMBER 11, 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 – July 24, 2017
4. Discussion
 - a. Smoking on City Property



**COMMUNITY DEVELOPMENT COMMITTEE - DAN SKINNER
MONDAY JULY 24, 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

ABSENT:

2. Approval of Agenda

Mr. Skinner made a motion to amend the agenda to remove item 4b second by Councilman Cicak

3. Approval of Minutes

a. Community Development Committee – Committee Meeting – June 12, 2017

Minutes stand approved.

4. Discussion

a. Smoking on City Property

Ms. Bauman: Several weeks ago a member of the community came and addressed council about banning smoking in the parks. Since then we've had some discussion on facebook where residents are wanting to have that item looked at to see if we can ban smoking in the parks. The Chief has also stated that topic has come up as well in the community forums. I spoke with the member that was here and he asked what's the next step. I said that it would be to take it to council for discussion and to see where we go from here.

Mr. Skinner: I think that we were going to put together some proposed legislation to discuss when we come back from session.

Mr. Joseph: I know there's been discussion about taking a look at this issue. I wanted to ask the City Attorney, has anything like this been litigated as far as outdoor city property? Has there been any litigation anywhere in Ohio you are aware of where a municipality has been taken to court over that type of regulation?

Mr. Hood: Right now, based on the agenda, I did some research this morning. I identified four different municipalities that have an outside smoking ban in addition to the state law that prohibits smoking in work places. Two of the four have had them for some period of time,

Minutes Acceptance: Minutes of Jul 24, 2017 7:30 PM (Approval of Minutes)

but have never issued a citation; therefore, there's been no litigation. The other two have not gotten back to me yet. There is nothing that's been reported, at least as of yet. These are relatively minor violations, so the chances of them being reported cases may not be very great, but I'm not aware.

Mr. Joseph: Are we looking primarily at city parks or even parking lots of like city hall and things like that? What's the scope?

Mr. Skinner: There's some discussion that it would be prohibition on park property. There has been some other discussion more recently since the gentleman came and spoke to us about all city property. There's been a third waive of conversation about designating on city property certain zones. Those are probably going to be three of the items we would be talking about in the future. What I envision is that when we come back from break we can take a look and during that time maybe take a look at some proposed versions of legislation. We've got some information here on a spreadsheet talking about other communities that have different restrictions. We also have sample ordinances from other communities that we could look to when we draft our proposal.

Ms. Bauman: Is there anything you'd like me to look into prior to the September meeting?

Mr. Skinner: I'll get back in touch with you in the next week or so.

Mr. Joseph: Also, if we could also find out what the other communities whether they have a total ban, whether they allow parking lots or something like that. Just to see what the communities have.

Ms. Bauman: I do have that. There are several communities throughout Ohio that ban smoking in parks all together. There's one, Powell has specified areas where you can't smoke in the park. And there are some that have it throughout all of their city buildings.

Mr. Joseph: That way council will have an idea how far communities are taking it. Whether it's a total city ban or whether it's just looking at park ground area or other areas and consider that when looking at the legislation.

Ms. Bauman: I got my information all from the Department of Health. They have a page that says municipalities that ban smoking.

Mr. Hood: The most prominent type of these talk exclusively about park land. The next layer that's less popular is the zones and then finally there's some cities that so far as to ban it in all public rights of way. I assume there would be litigation over that, but I couldn't find any.

Ms. Bauman: Oberlin is one of the cities where you can't smoke anywhere.

Mr. Clemens: This is something we should really consider. When we pass these laws they're not good unless we enforce them. If we're going to do it, let's do it right. I would be in favor cutting down the smoke. The problem is, if we don't enforce it, it's not worth anything.

Ms. Bauman: I did speak to Chief about that because that was my concern. What happens if we have somebody smoking on city property and a resident calls and complains. He assured me that the officers would come out and investigate it and if they are found to be smoking then they would be cited.

RESULT: REFERRED TO COMMITTEE

Next: 9/11/2017 7:30 PM

- b. Resolution Authorizing the Mayor to Enter into Contract/Agreement Between the City of Reynoldsburg and Alcohol, Drug and Mental Health Board (Adamh) of Franklin County and Alternative to Create, Design and Implement a Mural for the City of Reynoldsburg and Declaring an Emergency.

RESULT: WITHDRAWN

Minutes Acceptance: Minutes of Jul 24, 2017 7:30 PM (Approval of Minutes)

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

DATE: September 11, 2017
TO: Community Development Committee
RE: Discussion on Smoking/Tobacco Use on City Property

See attached for sample legislation from other Ohio Cities.

CHAPTER 1781 – Tobacco-Free Public Places Sec 1781.01

DEFINITIONS

(a) “Public Place” means any City-owned, rented, or leased, enclosed, or open area incorporating a part of a City facility, City park area, or any other City premises to which the public is invited or in which the public is permitted, and property under the direct or indirect control of the City of Hamilton without regard to whether or not a fee or admission is charged. Property is also defined to include all City vehicles. Sidewalks, streets, and alleyways not located within properties or areas defined as a “Public Place” are excluded from the definition.

b) “Use of Tobacco” means all uses of tobacco, including inhaling, exhaling, burning, vaping, or carrying any lighted cigar, cigarette, pipe, alternative nicotine product, other lighted smoking device or papers for burning tobacco, or any other plant; chewing tobacco snuff, or any other matter or substances that contain tobacco.

(c) “Alternative nicotine product” means an electronic cigarette or any other product or device that consists of or contains nicotine that can be ingested into the body by any other means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling. “Alternative nicotine product” would exclude nicotine gum, nicotine patches, or any other nicotine replacement therapy aids.

Sec 1781.02 TOBACCO USE PROHIBITIONS

(a) Pursuant to RC 3794.05, the City hereby designates all public places, to be tobacco-free, whereby any use of tobacco is prohibited, except areas specifically designated by the City Manager or designee as a designated tobacco use area. The City Manager may also designate additional public places or special events tobacco-free for a limited period of time not to exceed seven (7) days.

(b) All areas immediately adjacent to any entrance or exit of any public place, such that tobacco use impacts an adjacent public place, shall be subject to the provisions of this Chapter.

(c) The Director of Public Works shall post “No Tobacco Use” signs conspicuously at the entrances and exits of all public places.

(d) No person shall refuse to immediately discontinue tobacco use in any public place declared tobacco-free by this section when requested to do so by the Health Commissioner, a law enforcement officer, authorized City staff, or a person charged with the management, operation or care of any public place.

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

Sec 1781.03 PENALTY

(a) Any violation of Section 1781.02(a), (b), or (d) is declared to be a nuisance which affects and endangers the public health and is liable to the City of Hamilton for a civil offense. The Health Commissioner, a law enforcement officer, authorized City staff, or a person charged with the management, operation or care of any “Public Place” who by observation ascertains a violation of this chapter, may issue a citation for violating Section 1781.02(a), (b) or (d). Upon the first offense a violator shall be fined twenty-five dollars (\$25.00); upon a second offense shall be fined one hundred (\$100.00); upon the third and subsequent offenses shall be fined two hundred fifty dollars (\$250.00).

(b) Any person charged with the commission of a civil offense under this section may appeal to the magistrate or committee designated by the Health Commissioner for such purpose. The appeal shall be taken not later than twenty (20) days from the date of the civil charge.

(c) Failure to file an appeal or pay the costs imposed within this time period shall constitute a waiver of the right to contest the charge and shall be considered an admission.

(d) The Health Commissioner or authorized city staff may issue guidance and regulation to carry out the provisions of this subsection.

SECTION II: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

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.)