

PERSONNEL COMMITTEE

10-002-0

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 34-40 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO SMOKING PROHIBITIONS.

BY COUNCILORS GARDNER AND CUNEO:

The city of Duluth does ordain:

Section 1. That Section 34-40 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 34-40. Smoking--prohibited in certain places.

~~The meaning of the word "smoke" as used in this Section shall include the lighting of any cigarette, cigar or pipe and/or the possession of any lighted cigarette, cigar or pipe.~~

~~No person shall smoke in any of the following described situations:~~

(a) For purposes of this Section "smoking" shall be defined as provided in Minnesota Statutes Section 144.413, Subd. 4, and as the same may from time to time be amended;

(b) Smoking is prohibited at the following locations:

~~(a) (1) Anywhere smoking is prohibited by the Minnesota Clean Indoor Air Act on any bus operated by the Duluth transit authority while such bus is available for use by the public;~~

(2) Inside any Duluth Transit Authority transit shelter;

(3) Within 15 feet from the nearest point of any Duluth Transit Authority transit shelter which displays at least two signs visible from the exterior of the shelter providing notice of the smoking restriction, said 15 feet measured in a straight line of constant elevation;

~~(b) (4) Anywhere in Wade Stadium that is open to the public except in designated smoking areas;~~

(c) ~~Anywhere where smoking is prohibited under the Minnesota Clean Indoor Air Act (Minnesota Statutes 144.411 to 144.417) or state regulations adopted thereunder.~~ Any person violating this Section is guilty of a petty misdemeanor or may be penalized under Chapter 12 of the Duluth City Code, 1959, as amended;

(d) Signage to enforce the provisions of this ordinance shall be ~~in accordance with the Minnesota Clean Indoor Air Act and its regulations~~ approved by the city of Duluth police chief.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved as to form:

Attorney

CCREQ/ATTY SG/SBH:cjk 12/29/2009

STATEMENT OF PURPOSE: The provisions of this Section of the City Code have been largely superceded by the 2007 amendments to the Minnesota Clean Air Act. This ordinance removes provisions now regulated under Minnesota law. This ordinance also adds additional locations where smoking is to be prohibited and which are not currently prohibited by Minnesota law. The city has the authority to impose stricter regulations pursuant to Minnesota Statutes Section 144.417, Subd. 4.