

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-039-0

ORDINANCE NO. _____

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

BY COUNCILORS STAUBER AND BOYLE:

The city of Duluth does ordain:

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

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

(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:

(1) Anywhere smoking is prohibited by the Minnesota Clean Indoor Air Act;

(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;

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

(5) In all city parks within 100 feet from the nearest youth participant in any city sponsored, organized, or scheduled youth activity; said 100 feet measured in a straight line of constant elevation; youth activity means an activity in which the majority of participants are under the age of 18;

(6) In all city playgrounds;

(c) 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 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 JS/SBH:cjk 7/20/2010

STATEMENT OF PURPOSE: This ordinance 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 smoking regulations that are more stringent than Minnesota law pursuant to Minnesota Statutes Section 144.417, Subd. 4.