

PUBLIC WORKS AND UTILITIES COMMITTEE

10-071-0

ORDINANCE NO. _____

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

BY COUNCILOR GAUTHIER:

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 the following properties owned by the city and managed as parks: Birchwood Park, Blackmer Park, Cascade Park, Chambers Grove Park, Chester Bowl Park, Duluth Heights Community Recreation Center, Enger Park, Fairmont Park, Fond du Lac Community Recreation Center, Franklin Park, Gary New Duluth Community Recreation Center, Glen Avon Park, Grosvenor Square, Harrison

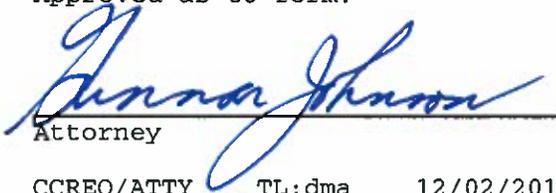
Community Recreation Center, Hillside Sport Court Community Recreation Center, Irving Community Recreation Center, Jollystone Park, Keene Creek Park, Kitchi Gammi Park, Lafayette Community Recreation Center, Leif Erickson Park, Lester Park, Lilliput Park, Lincoln Park, Lower Chester Community Recreation Center, Memorial Community Recreation Center, Merritt Community Recreation Center, Morgan Park Community Recreation Center, Morley Heights Park, Morningside Park, Munger Park, Norton Park Community Recreation Center, Observation Community Recreation Center, Park Point Recreation Area, Piedmont Community Recreation Center, Portland Square Park, Portman Community Recreation Center, Rail Park, Riverside Community Recreation Center, Rose Garden, Washington Square, and Woodland Community Recreation Center;

(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 TL:dma 12/02/2010

STATEMENT OF PURPOSE: This ordinance adds additional city park 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, Sub. 4.