

PERSONNEL COMMITTEE

13-061-0

ORDINANCE NO. _____

AN ORDINANCE PROHIBITING SMOKING OF ANY KIND IN CENTRAL HILLSIDE PARK, AMENDING SECTIONS 28-63 AND 28-64 TO CHAPTER 28 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

BY COUNCILOR GARDNER:

The city of Duluth does ordain:

Section 1. That section 28-63 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 28-63. Definitions.

For the purposes of this Article, the following words and phrases shall have the meaning hereinafter ascribed to them:

(a) Central Hillside Park: shall mean that property bounded by Lake Avenue, Third Street, First Avenue East and Fourth Street, commonly referred to as "Central Hillside Park".

(ab) Kitchi Gammi Park, for the purposes of this Article only, shall mean that park located on land located between Congdon Boulevard and Lake Superior and between the Lester River and 69th Avenue East;

(bc) Lake Place shall mean that structure elevated over the right-of-way of Interstate Highway 35 between Lake Avenue and Fourth Avenue East containing park-like amenities;

(cd) Lakewalk shall mean the constructed trail surface of that recreational trail running in close proximity to Lake Superior from the Duluth Aerial Lift Bridge to 26th Avenue East and from there following the platted railroad right-of-way of the Duluth, Missabe and Iron Range Railroad to east side of the Lester River and thereafter connecting to and located in Kitchi Gammi Park;

(de) Leif Ericson Park shall mean that property used for park purposes located between the platted railroad right-of-way of the Duluth, Missabe and Iron Range Railroad and the shoreline of Lake

Superior and between Eighth Avenue East and 13th Avenue East;

(~~e~~f) Medical facility shall mean any medical hospital, medical or dental clinic;

(~~f~~g) Prohibited substances shall mean any tobacco related product and any other substance labeled as not safe for or intended for human consumption;

(~~g~~h) Public place shall mean any public street, public sidewalk, public easement, publicly owned property, public park, publicly owned or operated parking lot or parking facility;

(~~h~~i) Smoke shall mean the gases, particles or vapors released into the atmosphere as a result of combustion, electrical ignition or vaporization of or by any prohibited substance;

(~~i~~j) Smoking shall mean inhaling or exhaling smoke from any instrumentality, including but not limited to any cigar, cigarette, pipe, hookah pipe or an operating electronic cigarette, or having in possession any such instrumentality producing smoke or engaging in any act that generates smoke;

(~~j~~k) Tobacco related products shall mean any product containing, made or derived from tobacco that is intended for human consumption, or any component, part, or accessory of a tobacco product, including but not limited to tobacco found in cigars and cigarettes, tobacco intended to be used in pipes or cigarettes, chewing tobacco, moist or dry snuff, dissolvable tobacco products and electronic cigarettes and any other product containing, made or derived from tobacco that is intended or expected to be consumed with or without being combusted but does not include any tobacco product that has been approved by the United States food and drug administration for sale as a tobacco cessation product, tobacco dependent product or for other medical purposes and is marketed and sold only for those purposes.

Section 2. That section 28-64 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 28-64. Ingesting a prohibited substance--prohibited in certain places.

(a) No person shall ingest by smoking or chewing any prohibited substance at or in any of 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 this prohibition, said 15 feet measured in a straight line of constant elevation;

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

(5) Within 100 feet of the nearest property line of a medical facility, said 100 feet measured in a straight line of constant elevation; provided that this prohibition does not apply to a person inside an enclosed motor vehicle in motion on a public street or alley;

(6) On the Lakewalk, on Lake Place or in Leif Ericson Park;

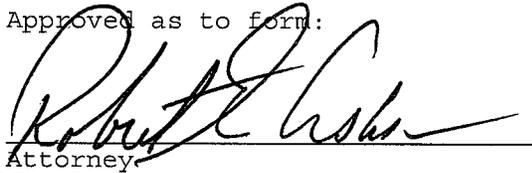
(7) In Central Hillside Park.

(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.

Section 3. That this ordinance shall take effect 30 days after its passage and publication.

Approved as to form:



Robert E. Ash
Attorney

CCREQ/ATTY REA:de 08/23/2013

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Chapter 28 of the City Code to prohibit smoking of any kind, including both tobacco products and synthetics, in the Central Hillside Community Center and on the property adjacent to it commonly referred to as Central Hillside Park.