



Legislation Text

File #: ORD-19:009, **Version:** 1

AN ORDINANCE TO AMEND CHAPTER 50 PARKS AND RECREATION, ARTICLE II OF THE CODE OF ORDINANCES AND ADD 50-26 ENTITLED "SMOKING AND USE OF TOBACCO PRODUCTS" WHICH SHALL PROHIBIT SMOKING AND TOBACCO USE IN ALL CITY PARKS, FACILITIES, AND TRAILS

BE IT ORDAINED by the City Council for the City of Jonesboro, Arkansas that:

WHEREAS, according to the Center for Disease Control and Prevention ("CDC"), each year approximately 480,000 people die of diseases caused by smoking, accounting for one out of every five deaths in the United States, and that the use of cigarettes, smokeless tobacco, cigars, pipes, and other tobacco products leads to disease and death; and

WHEREAS, studies by the Surgeon General of the United States, by the National Academy of Sciences, and by other health organizations have linked passive exposure to tobacco smoke (second-hand smoke) to a variety of negative health conditions in non-smokers; and

WHEREAS, health hazards induced by breathing second-hand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm; and

WHEREAS, non-smokers who suffer allergies, respiratory diseases, and other ill effects of breathing second-hand smoke may experience a loss of job productivity and may be forced to take periodic sick leave because of such adverse reactions; and

WHEREAS, smoking is a potential cause of fires, and cigarette and cigar burns and ash stains on fixtures cause losses and other damage to property, including unsightly litter; and

WHEREAS, the CDC reports that smokeless tobacco use is hazardous to health and can lead to nicotine addiction, that smokeless tobacco contains at least 28 known carcinogens and causes oral, pancreatic, and esophageal cancer as well as other serious health problems such as gum disease, tooth decay, and mouth lesions; and

WHEREAS, the purpose of this ordinance is to protect the public health, safety, and welfare by prohibiting smoke and other tobacco use in City owned and operated recreational facilities, parks and trails; and

WHEREAS, the use of tobacco products is counterproductive to citizens and visitors utilizing parks and recreation facilities for enriching their lives, including the proven mental and physical health benefits that parks provide; and

WHEREAS, the City expends considerable resources to clean cigarette butt litter and the presence of such litter contributes to the decline of the appeal of public spaces such as parks, trails, picnic areas, and ball fields; and

WHEREAS, the City has the authority as the owner of the Jonesboro parks and trails systems to prohibit smoking and use of tobacco products on its own property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS:

Section 1: That the City Council of the City of Jonesboro hereby enacts Section 50-26 Smoking and Tobacco Use in Chapter 50, Parks and Recreation as follows:

“50-26 Smoking and Use of Tobacco Products

- (a) Smoking and use of tobacco products includes holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting, or exhaling the smoke of, a pipe, cigar, or cigarette of any kind. It also includes the use of all smokeless tobacco and nicotine-containing products (including, but not limited to chewing tobacco, snuff, dip, and snuff), electronic cigarettes, vapor devices, or heated devices.
- (b) It shall be prohibited for any person to smoke or use tobacco products in any City owned or operated recreational facilities, parks, and trails.
- (c) Exemption: Cessation products approved by the United States Food and Drug Administration such as nicotine gum, nicotine lozenges, nicotine patches, pharmaceutical nicotine inhalers (not including any form of electronic products), and nicotine nasal sprays are specifically exempted from this section and can be used in City owned or operated recreational facilities, parks, and trails.
- (d) The City shall post signs in City owned or operated parks, trails, and recreational facilities at the discretion of the Director of Parks and Recreation notifying the public that smoking and tobacco use of any kind are prohibited.
- (e) Any person who smokes or uses tobacco products in an area where it is prohibited by the section shall be guilty of a violation punishable by a fine not exceeding \$50.00 per occurrence.

PASSED AND APPROVED this 16th day of April, 2019.