

ORDINANCE NO. 2016-001

AN ORDINANCE AMENDING SECTION 9.05.010 AND ADDING SECTION 9.10.255 TO THE CORNELIUS MUNICIPAL CODE TO PROHIBIT SMOKING, VAPING AND USE OF TOBACCO PRODUCTS ON CITY CAMPUS FACILITIES INCLUDING CITY HALL AND KODIAK CIRCLE

WHEREAS, the effective management of City property and facilities requires the adoption and enforcement of rules regulating their use; and

WHEREAS, the Oregon Smoke Free Workplace Law: Indoor Clean Air Act regulates smoking in public places indoors and in some outdoor areas to protect the public from secondhand smoke at work and in public areas as well as permits additional local regulations to further the purposes of the law; and

WHEREAS, tobacco use remains the number one cause of preventable death, and is the leading modifiable health risk factor responsible for much of the illness and suffering related to chronic disease; and

WHEREAS, although the long-term effects of secondhand exposure to vapor released from electronic cigarettes are currently unclear, recent studies have shown that the vapor contains several known toxins; and

WHEREAS, the use of electronic smoking devices, electronic cigarettes and other nicotine vaping equipment in City spaces causes confusion regarding the lawfulness of smoking in City places and impedes the City's efforts to reduce the harmful effects of secondhand smoke exposure and create a culture of tobacco-free and smoke-free living; and

WHEREAS, smoking and tobacco products consumed in public spaces are often discarded on the ground requiring additional maintenance expenses, diminishing the beauty and cleanliness of such spaces, and posing a risk to children, pets and wildlife, and of fire; and

WHEREAS, it is the desire of the City of Cornelius to protect and promote public health, safety and welfare by providing environments free of smoking, vaping and tobacco use at all City owned campus facilities at City Hall and Kodiak Circle; and

WHEREAS, providing protection to adults, children and youth by prohibiting the use of tobacco, electronic smoking devices and vapor products on city-owned campus facilities and managed by the City is necessary to protect the public health and safety; and

WHEREAS, the enforcement of these rules will be more effective and efficient if they are adopted as part of the Cornelius Municipal Code.

NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF CORNELIUS ORDAINS AS FOLLOWS:

Section 1. The Cornelius Municipal Code is hereby amended by amending section 9.05.010 and adding section 9.10.255 as set forth in the attached Exhibit A to this ordinance.

Section 2. Upon adoption by the Cornelius City Council this ordinance shall take effect thirty days from adoption.

PRESENTED AND ADOPTED this 1st day of February, 2016.

City of Cornelius, Oregon

By: Jeffrey C. Dalin

Jeffrey C. Dalin, Mayor

ATTEST:

By: Debby Roth

Debby Roth, MMC, City Recorder-Treasurer

Ordinance No. 2016-001
EXHIBIT A

The following definitions are added to section 9.05.010:

Section 9-Definitions.

“City owned and managed campus facility property” means the City Hall Campus (City Hall, City Library, Police Department and Fire Department) and the Kodiak Circle Campus (Community Development and Public Works).

“Inhalant delivery system” means any noncombustible product that employs a mechanical heating element, battery or circuit and that can be used to heat nicotine or other drug solution; or a cartridge or other unit containing a nicotine solution to be placed in an electronic cigarette, device or product.

“Smoking” means any inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, grass, plant, liquid, vapor or any other tobacco or tobacco-like product or any substance in any manner or any form. This includes the use of any electronic smoking device or nicotine delivery devices which creates smoke, vapor, aerosol or any other byproduct, in any manner or in any form.

“Tobacco product” means any product that contains tobacco, or is derived from tobacco or nicotine, and is intended to be put in the human body. This includes all combustible, smokeless and electronic products and devices, but does not mean United States Food and Drug Administration-approved tobacco cessation products.

“Tobacco use” means smoking, inhaling, exhaling, vaping and any other ingestion or consumption of a tobacco product. This includes the use of smokeless tobacco products such as dipping or chewing tobacco.

“Vaping” means heating, inhaling, exhaling, ingesting or otherwise using an inhalant delivery system or other vapor, aerosol or drug delivery device.

Section 9.10.255 is added as follows:

9.10.255 Smoking, vaping and tobacco use prohibited

(A) Smoking, vaping and tobacco use is prohibited: On or in any city owned or managed campus facility (City Hall Campus and Kodiak Circle Campus).

(B) The City Manager may adopt regulations to permit smoking, vaping and tobacco use by City employees, which might otherwise be prohibited by this section, to the extent necessary to comply with a collective bargaining agreement.