

SMOKING AND VAPING PROHIBITED IN CITY PARKS

BILL NO. _____

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12.24 OF THE SPARKS MUNICIPAL CODE TO PROHIBIT SMOKING AND VAPING IN CITY PARKS, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

SECTION 1. Section 12.24.010, “Definitions,” is hereby amended as follows:

Section 12.24.010 - Definitions

For purposes of this chapter, the following terms shall have the meaning ascribed to them in this section, unless the context requires otherwise:

- A. “City park” means any area designated by the city council as a public park, playground or recreation facility.
- B. “Park ranger” means a person employed by the Parks and Recreation Department whose primary responsibility is to enforce rules in city parks.
- C. “Inflatable” means a structure that is intended to be or capable of being inflated with air and used for commercial displays or laying, sitting, standing, riding, bouncing, running, swimming or other physical activities by a person or persons. “Inflatable” includes, without limitation, slides, bounce houses, obstacle courses, boxing/jousting rings, ball pits, pools, race arches and displays. “Inflatable” does not include inner tubes, swim tubes, paddle boards, rafts, or similar devices intended for flotation; or balloons that are smaller than eighteen (18) inches in diameter when inflated.
- D. *“Smoking” means the action of inhaling and exhaling the smoke of tobacco or a controlled substance, including but not limited to marijuana and its derivatives, by any means, including but not limited to cigarettes, cigars, cigarillos, pipes, and hookahs.*
- E. *“Vaping” means the action of inhaling and exhaling the vapor of tobacco or a controlled substance, including but not limited to marijuana and its derivatives, by use of any vapor product.*
- F. *“Vapor product” means any noncombustible product that employs a heating element, power source, electronic circuit or other electronic, chemical, or mechanical means, regardless of the shape or size thereof, that can be used to produce vapor from any substance placed in or on the vapor product for the*

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purpose of human consumption. "Vapor product" includes, but is not limited to, any electronic cigarette, cigar, cigarillo, pipe, or a substantially similar device. "Vapor product" does not include any product regulated by the United States Food and Drug Administration pursuant to Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq..

SECTION 2. Section 12.24.056 "Smoking and Vaping prohibited in city parks," is hereby added as follows:

Section 12.24.056 – Smoking and Vaping prohibited in city parks

- A. *Except as otherwise provided by this section, smoking and vaping in a city park is prohibited.*
- B. *No person shall be charged with a violation of this section unless the person continues to engage in conduct prohibited by this section after having been notified by a city employee or officer or any law enforcement officer that the conduct violates this section.*
- C. *This section does not apply within the Victorian Square special event venue as defined in Section 9.42.010(E).*
- D. *This section does not apply to chewing tobacco.*

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 5. This ordinance shall become effective upon passage, approval and publication.

SECTION 6. The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

SECTION 7. If any subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 8. The City Council finds that this ordinance is **not** likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

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PASSED AND ADOPTED this ____ day of _____, 20____, by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED this ____ day of _____, 20____, by:

GENO MARTINI, Mayor

ATTEST:

TERESA GARDNER, City Clerk

APPROVED AS TO FORM AND LEGALITY:

CHESTER H. ADAMS, City Attorney