

ORDINANCE NO. 1281

**AN ORDINANCE OF THE DRAPER CITY COUNCIL
AMENDING CHAPTER 15-3 OF THE DRAPER CITY CODE PERTAINING
TO OUTDOOR SMOKING PROHIBITIONS**

WHEREAS, Draper City is empowered to establish programs to protect the public health, welfare and sanitation; and

WHEREAS, in 2008 Draper City passed Ordinance 818 which banned smoking in city parks and other outdoor areas in order to reduce the risk of exposure to secondhand smoke; and

WHEREAS, since 2008 new technologies, such as e-cigarettes, have been developed which are not addressed in Chapter 15-3 of the Draper City Municipal Code; and

WHEREAS, e-cigarettes and similar devices have risen in popularity and have become attractive to youth; and

WHEREAS, the Draper City Council wishes to exercise its right to protect the public health, welfare and sanitation by amending Chapter 15-3 of the Draper City Municipal Code to prohibit the use of e-cigarette and similar devices in public parks and other outdoor areas encompassed by Chapter 15-3.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Approval. The City Council hereby amends Chapter 15-3 of the Draper City Municipal Code to read as shown in Exhibit "A" which is attached hereto and incorporated herein by reference.

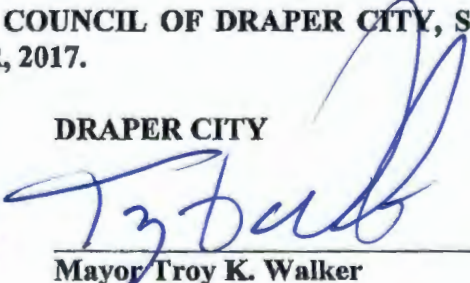
Section 2. Severability. If any section, part, or provision of this Ordinance is held invalid, or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, and provisions of this Ordinance shall be severable..

Section 3. Effective Date. This ordinance shall become effective immediately upon publication or posting or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE 3rd DAY OF OCTOBER, 2017.



DRAPER CITY



Mayor Troy K. Walker

ATTEST:



Rachelle Conner, City Recorder

VOTE TAKEN:

YES

NO

Councilmember Rappleeye

✓

Councilmember Stenquist

✓

Councilmember Summerhays

✓

Councilmember Vawdrey

✓

Councilmember Weeks

✓

Mayor Walker

EXHIBIT A

Chapter 15-3 OUTDOOR SMOKING PROHIBITIONS

Sections:

15-3-010 Definitions.

15-3-020 Outdoor smoking prohibitions.

15-3-030 Violations and enforcement.

Section 15-3-010 Definitions. As used in this chapter:

City Park: means and includes city-owned property designated for recreational activities, including but not limited to ball diamonds, soccer fields, sports fields, splash parks, dog parks, skate parks, arenas, amphitheater, including the bleacher or spectator areas adjacent thereto, and other recreation areas, natural parks, pocket parks, playgrounds, outdoor swimming pools, open space, trails, and cemeteries.

Electronic cigarette/e-cigarette: means any electronic oral device that provides a vapor of nicotine or other substance, and simulates smoking through its use or through inhalation of the device.

Electronic oral device: means an oral device that is composed of a heating element, battery, or electronic circuit, and is marketed, manufactured, distributed, or sold as an e-cigarette, e-cigar, e-pipe or any other product name or descriptor used for a similar function.

Mass gathering: means an outdoor assembly of 100 or more people on City-owned property that continues or reasonably can be expected to continue for two or more hours.

Smoke or smoking means the possession, carrying, or holding of any lighted or heated tobacco product in any form; inhaling, exhaling, burning, or heating a substance containing tobacco or nicotine intended for inhalation through a cigar, cigarette, pipe, or hookah; use of an e-cigarette; or using an oral smoking device intended to circumvent the prohibition of smoking.

Section 15-3-020 Outdoor smoking prohibitions. Smoking hereby prohibited in all city parks, transit stations, within twenty-five (25') feet of bus stops, and within 50 feet of mass gatherings, except in designated smoking areas.

Section 15-3-030 Violations and enforcement.

(a) A violation of this chapter is an infraction punishable by a fine not to exceed \$25.00. Police officers shall have the discretion to issue a "warning" if they deem it is in the best interests of the city for the first offense.

(b) Law enforcement officers, in connection with their duties imposed by law, shall enforce the provisions of this chapter and may issue citations and evict any persons acting in violation of the provisions of this chapter. Law enforcement officers shall have the authority to

seize, confiscate and impound any substance, or other similar article used or possessed in violation of this chapter.

Title 15 Chapter 3 Code Amendments

15-3 Adopted

per Ordinance No. 818

04/01/2008

To be published on Wednesday, August 15, 2018, in the *Salt Lake Tribune* and *Deseret News*

City of Draper Notice of Ordinance Adoption – On October 3, 2017, the Draper City Council approved Ordinance #1281, Outdoor Smoking Prohibitions. The complete ordinance is on file at the Draper City Recorder’s Office and online at www.draper.ut.us. Published this 15th day of August, 2018. Rachelle Conner, Draper City Recorder.

