

ORDINANCE NO. 2007-11

AN ORDINANCE OF THE TOWN OF LEEDS, UTAH, PROHIBITING SMOKING IN ALL PUBLIC PLACES, INCLUDING BUT NOT LIMITED TO PARKS, RECREATIONAL AREAS, CEMETERIES, PARKING LOTS, GOVERNMENT PREMISES, ROADS, STREETS.

WHEREAS, the Town of Leeds has authority to protect the public health, welfare and sanitation; and

WHEREAS, based on the findings of the Utah Legislature in Utah Code Section 78-38-.5, the Town of Leeds hereby finds that the U.S. Environmental Protection Agency (EPA) has determined that environmental tobacco smoke is a Group A carcinogen, in the same category as other cancer causing chemicals such as asbestos; and

WHEREAS, the EPA has determined that there is no acceptable level of exposure to Class A carcinogens; and

WHEREAS, the United States Surgeon General has determined that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke; and

WHEREAS, reliable studies have shown that breathing side stream *or* secondhand smoke is a significant health hazard, in particular for elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function including asthmatics and those with obstructive airway disease; and

WHEREAS, the Americans with Disabilities Act, which requires that disabled persons have access to public places and *work* places, deems impaired respiratory function to be a disability; and

WHEREAS, cigarette butts are not biodegradable and discarding cigarette butts and tobacco onto the ground in public places; including but not limited to parks, recreational areas, cemeteries, parking lots, government premises, roads, streets, and at all public locations is unsightly, unclean, and particularly hazardous to small children and animals who handle and sometimes ingest them which can lead to serious health effects; and

WHEREAS, littering in public places, including but not limited to parks, recreational areas, cemeteries, parking lots, government premises, roads, streets, including littering of cigarette butts, is unlawful and shall not be tolerated; and

WHEREAS, smoke free parks and all public places are important for the health of children and adults; and

WHEREAS, because children imitate adult behavior, the elimination of smoking in all public places, including but not limited to parks, recreational areas, cemeteries, parking lots, government premises, roads, and streets furthers the goal of reducing youth smoking; and

WHEREAS, the Town of Leeds finds that the prohibition of smoking in all public places, including but not limited to parks, recreational areas, cemeteries, parking lots, government premises, roads, and streets serves to protect the health, safety, and welfare of persons in the Town of Leeds.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, STATE OF UTAH:

Ordinance No. 2007-11 is hereby added to the Town of Leeds Ordinances and shall read as follows:

SMOKING PROHIBITED IN PUBLIC AREAS, INCLUDING BUT NOT LIMITED TO PARKS, RECREATIONAL AREAS, CEMETERIES, PARKING LOTS, GOVERNMENT PREMISES, ROADS, STREETS.

SECTION I.

- 1. Definitions.** For the purposes of this chapter:
 - a. "Parks" means and includes Town-owned parks and trails, public squares, ball diamonds, golf courses, soccer fields, other recreational areas, and city-owned cemeteries.
 - b. "Public Places" means outdoors on Town-owned and public property.
 - c. "Smoke" or "smoking" means and includes: possession, carrying, or holding a lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting or emitting or exhaling of smoke of a pipe, cigar, or cigarette of any kind, or of any other lighted smoking equipment.
- 2. Prohibitions.** Smoking is hereby prohibited in all public places, and includes but is not limited to parks, recreational areas, cemeteries, parking lots, government premises, roads, and streets. A violation of this ordinance is an infraction. Police officers shall have the discretion to issue a "warning" if they deem it is in the best interests of the Town for the first offense.
- 3. Exceptions.**
 - a. American Indian/Alaska Native Ceremonies.
 1. A person is exempt from the restrictions of this chapter if the person:
 - (i) is a member of an American Indian/Alaska Native tribe whose members are recognized as eligible for the special programs and services provided by the United States to American Indians/Alaska Natives who are members of those tribes;
 - (ii) is an American Indian/Alaska Native who actively practices and American Indian/Alaska Native religion, the origin and interpretation of which is from a traditional American Indian/Alaska Native culture;
 - (iii) is smoking tobacco using the traditional pipe of an American Indian/Alaska Native tribal religious ceremony, of which tribe the person is a member, and is smoking the pipe as part of that ceremony; and
 - (iv) the ceremony is conducted by a pipe carrier, American Indian/Alaska Native spiritual person, or medicine person recognized by

the tribe of which the person is a member and by the American Indian/Alaska Native community.

- 4. **Posting of signs.** "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in all public places.
- 5. **Any violation of this ordinance is a class B misdemeanor, fines will be in accordance with the State of Utah Uniform Fine/Bail Forfeiture Schedule.**

SECTION 2.

Severability. If any section, clause or portion of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

SECTION 3.

Effective Date. This ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED BY THE LEEDS TOWN COUNCIL, STATE OF UTAH, ON THIS DAY OF _____, 2007.

Trudy Law, Mayor

Attest _____
Karen Markovich, Clerk/Recorder

ROLL CALL VOTE:

MAYOR _____	aye _____	nay _____
TOWN COUNCIL MEMBERS:		
_____	aye _____	nay _____
_____	aye _____	nay _____
_____	aye _____	nay _____
_____	aye _____	nay _____

Aye votes _____ Nay votes _____ Abstentions _____
Ordinance #2007-11 is passed _____ rejected _____

Karen Markovich, Clerk/Recorder