

TOBACCO-FREE PARKS ORDINANCE

PURPOSE

Wilkin County is committed to providing safe and healthy environments. Tobacco use is a major cause of preventable disease and death. Smoking, tobacco use, and exposure to second-hand smoke have been found to cause heart disease, cancer, asthma, bronchitis, and other respiratory problems. Electronic delivery devices, more commonly referred to as electronic cigarettes or e-cigarettes, closely resemble and purposefully mimic the act of smoking. They produce a vapor of undetermined and potentially harmful substances and typically contain nicotine derived from tobacco, which is a highly addictive substance. Their use in locations where smoking is prohibited creates concern and confusion.

Wilkin County believes the use of tobacco products, including electronic delivery devices, in its parks is detrimental to the health and safety of its community.

DEFINITIONS

“All times” means 24 hours a day, seven days a week.

“Electronic Delivery Device” means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to stimulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. The term includes any such devices, whether they are manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, or under any other product name or descriptor.

“Park Property” means all facilities, parks, trails, open space, and other property owned, leased, rented, contracted, used, or controlled by Wilkin County for parks and recreational purposes.

“Smoking” means inhaling or exhaling from any lighted or heated cigar, cigarette, pipe, or any other tobacco or plant product, or inhaling or exhaling aerosol or vapor from any electronic delivery device. Smoking shall include being in possession a lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, or an electronic delivery device that is turned on or is otherwise activated.

“Staff” means any person employed by Wilkin County in a full- or part-time capacity, any position contracted for by the county, or any person working on a volunteer basis. The term includes, but is not limited to: elected and appointed officials, county personnel, contractors, consultants, and vendors.

“Tobacco Product” means any product containing, made, derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to cigarettes, cigars and other smoking tobacco; snuff and other chewing tobaccos; and any other kinds and forms of tobacco.

“Tobacco Use” means the act of smoking, the use of smokeless tobacco, or the use of any other tobacco product in any form, including the use of electronic delivery devices.

“Visitor” means any person subject to this policy who is not (city)(county) staff.

POLICY

The sale and use of tobacco products and electronic delivery devices is prohibited at all times in or on all park property Wilkin County has the authority to control regardless of location.

APPLICABILITY

This policy applies to all visitors and staff on park property.

Organizers and attendees at public or private events on city park property are required to abide by this policy. Event organizers are also responsible for communicating and enforcing this policy.

EXCEPTIONS

It is not a violation of this policy to use a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

It is not a violation of this policy for a Native American to use tobacco on park property as part of a traditional Native American spiritual or cultural ceremony. Approval from county administration must be requested and received prior to the ceremony.

DISSEMINATION

Signage will be posted at strategic locations to notify staff and visitors of this policy.

COMPLIANCE AND ENFORCEMENT

The success of this policy depends on the consideration and cooperation of both tobacco-users and non-users. Enforcement of this policy is a shared responsibility of staff and park visitors. Individuals acting in violation of this policy will be reminded and asked to comply. Staff found to have violated this policy may be subject to disciplinary action. Visitors who violate this policy may be asked to leave park property.

EFFECTIVE DATE

This ordinance shall take effect in full on _____.