

ORDINANCE NO. 2014-06

ORDINANCE AMENDING FOREST GROVE CODE CHAPTER 5, PUBLIC PROTECTION OFFENSES, BY ADDING NEW CODE SECTION 5.485, TITLED “SMOKING AND TOBACCO USE PROHIBITED” AND ADDING NEW CODE SECTION 5.490, TITLED “VIOLATIONS AND PENALTIES” AND AMENDING CODE SECTION 5.405

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 places. ORS 433.870 provides that the law is in addition to any other law regulating smoking, which leaves local governments the authority to regulate smoking; and

WHEREAS, The City Council has received information from Washington County Tobacco Education and Prevention Program, which is dedicated to promoting smoke- and tobacco-free environments; and

WHEREAS, smoking products, once consumed in public spaces, are often discarded on the ground requiring additional maintenance expenses, diminish the beauty of the recreational facilities and pose a risk to children, pets and wildlife due to ingestion; and

WHEREAS, it is the desire of the City of Forest Grove to protect and promote public health, safety and welfare by providing smoke- and tobacco-free environments within designated parks, City-owned or leased property and City-sponsored events; and

WHEREAS, notice of the City Council hearing on this ordinance was published in the *News Times* on May 21, 2014; and

WHEREAS, the City Council held a duly-noticed Public Hearing on the proposed ordinance on May 27, 2014.

NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1. The Forest Grove City Council does hereby approves and adopts the provisions prohibiting smoking and tobacco use within parks and city-sponsored events and amends Forest Grove Code Chapter 5 by adding new Code Section 5.485, titled “Smoking and Tobacco Use Prohibited, and new Code Section 5.490, titled” Violations and Penalties”, as set forth in the attached Exhibit A.

Section 2. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the 27th day of May, 2014.

PASSED the second reading the 9th day of June, 2014.


Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 9th day of June, 2014.



Peter B. Truax, Mayor

ORDINANCE NO. 2014-06
“EXHIBIT A”

CHAPTER 5 – PUBLIC PROTECTION OFFENSES

CITY OF FOREST GROVE CODE AMENDMENTS
NEW CODE SECTION 5.485
SMOKING AND TOBACCO USE PROHIBITED
NEW CODE SECTION 5.490
VIOLATIONS AND PENALTIES

New language is added in Red.
Existing language is shown in Black.

5.405 **Purpose and Definition.**

- (1) Parks and recreational facilities are established for the enjoyment, convenience and safety of all citizens. Parks are maintained for the leisure time activities of the public. The City encourages the greatest possible use of its parks subject only to regulations designed to preserve the parks and recreational facilities and promote safe use of the parks by all persons.
- (2) As used in the following sections “**designated** parks” shall mean any public or private-owned real property and park facilities placed under the jurisdiction of the City, whether within or outside the corporate limits of the City, and designated for park and recreational purposes.

5.485 **Smoking and Tobacco Use Prohibited.**

- (1) Smoking and tobacco use is prohibited within any designated parks, any city-owned or leased property, and any city-sponsored event.
- (2) Prohibited products include any tobacco products, cigarettes, cigars, pipe tobacco, smokeless tobacco, chewing tobacco, marijuana, and electronic smoking devices.

5.490 **Violations and Penalties.**

- (1) Any person violating Sections 5.410 – 5.485 is subject to a civil penalty in the amount of not less than \$100 and not more than \$250.
- (2) The Enforcement Officer may cite into Municipal Court for the violations.