

ORDINANCE NO. 19-01

AN ORDINANCE OF THE CITY OF PURCELL AMENDING AND REPEALING ORDINANCE NO. 14-10; PROHIBITING THE USE OF TOBACCO PRODUCTS INCLUDING VAPOR PRODUCTS ON CITY OWNED AND/OR LEASED PROPERTIES AND VEHICLES; DECLARING THAT THE CITY OF PURCELL OWNED/OPERATED/LEASED PROPERTY AND VEHICLES TO BE TOBACCO FREE; PROVIDING FOR DEFINITIONS, PROHIBITIONS, POSTING, PENALTY AND ENFORCEMENT; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PURCELL, OKLAHOMA:

That Ordinance No. 14-10, is amended to read in its entirety as follows:

SECTION I. DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. ***Indoor area:*** means any indoor city-owned/operated property. An indoor area includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees or the public, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor areas at any given time, whether or not work is being performed;
- B. ***Outdoor area:*** means any covered area, partially covered area or area open to the sky that is on a property owned or operated by the city;
- C. ***Recreational area:*** means any area that is owned, controlled or used by the City of Purcell and open to the general public for recreational purposes, regardless of any fee or age requirement. The term 'Recreational Area' includes but is not limited to parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller- and ice-skating rinks, beaches surrounding lakes and skateboard parks;

- D. **Tobacco product:** means any product that contains or is derived from tobacco and is intended for human consumption excluding drugs or devices approved for cessation by the United States Food and Drug Administration. This includes e-cigarettes and vapor products, with or without nicotine.
- E. **Tobacco-free:** means to prohibit the use of any tobacco product by anyone, anywhere, at any time.
- F. **Vapor product:** shall mean noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. "Vapor products" shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

SECTION II. PROHIBITION OF TOBACCO PRODUCTS AND VAPOR PRODUCTS ON ANY AND ALL CITY-OWNED/OPERATED PROPERTY.

- A. The possession of tobacco in any form, combustible or non-combustible, is a public nuisance and a danger to the public health of residents in the State of Oklahoma. Tobacco in any form, combustible, non-combustible, and vapor forms is hereby prohibited in any and all indoor and/or outdoor areas and/or properties operated by the City of Purcell.
- B. All buildings owned, controlled, operated, and/or leased by the City of Purcell shall be tobacco free. This includes all forms of tobacco products and all vapor products.
- C. This ordinance shall hereby include any vehicles owned and/or leased or operated by the City of Purcell.
- D. All indoor and outdoor recreational areas owned and/or leased or operated by the City of Purcell shall hereby adhere to this ordinance of tobacco in all forms being 100% prohibited, including vapor products.
- E. Prohibition applies to every individual person on any and all government owned and/or leased property within the City of Purcell, Oklahoma.
- F. Prohibition per this ordinance applies at all times.

SECTION III. POSTINGS.

- A. The City of Purcell, Oklahoma will be responsible for posting signs and/or decals at least 4 inches by two inches (4" x 2") in size at each entrance of any and all city owned and/or leased property indicating the property is tobacco and vapor free.
- B. The City of Purcell is responsible for posting a sign and/or decal that is weather resistant and at least fifteen inches by fifteen inches (15" x 15") and or twelve inches by eighteen inches (12" x 18") in size with at least one inch (1") lettering at the entrance to any and all outdoor areas owned, leased, or operated by the local government for the City of Purcell, Oklahoma.

SECTION IV. PENALTIES AND ENFORCEMENT.

- A. Ask all tobacco users to refrain from using any form of tobacco products, including vapor products, upon observation of anyone violating the sections of this ordinance.
- B. Any possession of a combustible or lighted tobacco product is henceforth declared to be a nuisance to public health.
- C. Any person who violates this tobacco prohibition ordinance is hereby guilty of a misdemeanor offense.
- D. First time offenders will be reminded of the ordinance and given a verbal and/or written warning for violating any portion of this ordinance.
- E. Second time offenders and all offenses hereafter will Result in a fine for violating this ordinance and will incur a fine, plus any applicable court costs incurred.
- F. All local government employees for the City of Purcell will remind known tobacco users of this ordinance.

SECTION V. REPEALER.

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

SECTION VI. SEVERABILITY.

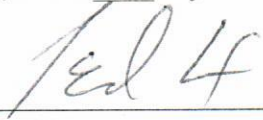
If any part of this Ordinance shall be held to be invalid or ineffective, the remaining portions shall not be affected.

SECTION VII. EMERGENCY.

Whereas, it being immediately necessary for the preservation of the peace, health, welfare and safety of the City of Purcell, Oklahoma and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by virtue hereof; this ordinance shall be in full force and effect from and after its approval, passage and publication.

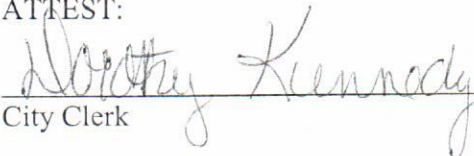
ADOPTED AND PASSED by the Council of the City of Purcell, Oklahoma, on the ___ day of February, 2019.

SIGNED by the Mayor of the City of Purcell, Oklahoma, on the ___ day of February, 2019.



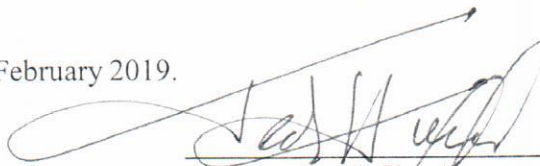
Mayor

ATTEST:



City Clerk

Approved as to form this ^{17th} day of February 2019.



Ted W. Haxel, City Attorney