

**AN ORDINANCE RESTRICTING SMOKING AND TOBACCO USAGE IN AND AROUND THE CITY OF HAMILTON BUILDINGS, VEHICLES AND PARK FACILITIES, INCLUDING SUCH PROVISIONS IN THE CITY CODE, AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of Aldermen finds and declares that the purpose of this Ordinance is to ban smoking and the use of tobacco products in and around the City of Hamilton Buildings, Vehicles and Park facilities in order to protect employees and visitors from the risk of second hand smoke, reduce litter and enhance enjoyment of park facilities.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HAMILTON, MISSOURI AS FOLLOWS TO WIT:

**SECTION 1:** The possession of lighted or heated smoking materials in any form, including but not limited to the possession of heated or lighted cigarettes, cigars, pipes, other tobacco products, and electronic cigarettes and the other use of tobacco products is prohibited in, on, or within 25 feet of any property or premises owned or leased by the City of Hamilton, and on or in the City of Hamilton Buildings, Vehicles and Park facilities.

This shall not apply to any areas designated by the City Administrator as designated for smoking for employees and visitors, if any, and areas of park property designated by the City Administrator for smoking purposes in association with special events.

Anyone violating this Ordinance shall be subject to a fine of up to \$250.00, with the first fine not to exceed \$50.00.

**SECTION 2:** Definitions

City Vehicle means any truck, van or automobile owned by the city and operated by a city employee. City vehicle includes vehicles operated by the police department.

Employee means any person who is employed by the City in consideration for direct or indirect monetary wages or profit.

Enclosed means either closed in by a roof and four walls with appropriate openings for ingress and egress or not open to the sky due to a cover or shelter consisting of a tarpaulin, tent structure or other impermeable or semi-permeable materials or fabric.

Building and park facilities means enclosed areas within City owned buildings, structures, facilities or complexes that are open to, used by, or accessible to the general public. Building and park facilities include but are not limited to city parks, pool, library, City Hall, and Police Station.

Buffer zone includes an area within twenty-five (25) feet of the entrance or exit to an enclosed public facility, areas in dedicated parks or other publicly accessible areas that are within twenty-five (25) feet of bleachers, backstops, or play structures.

Smoking means the combustion of any cigar, cigarette, tobacco or any similar article, including any electronic cigarette device.

Tobacco product means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, smoking tobacco, and smokeless tobacco.

**SECTION 3:** This ordinance repeals any prior ordinance or parts of any prior ordinance that might be in conflict herewith.

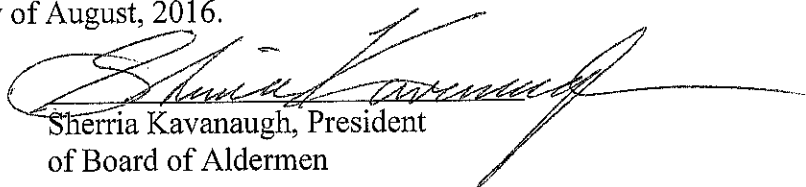
**SECTION 4:** This ordinance shall be in full force and effect from and after the date of its passage and approval.

**SECTION 5:** It is the intent of the Board of Aldermen that this amendment be made a part of the City Code and such inclusion shall have the same force and effect as if the ordinance had been included in the original code at the time of its adoption by the Board of Aldermen.


**SECTION 6:** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Aldermen hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

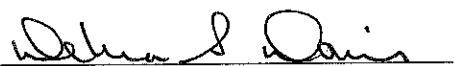
A copy of this Ordinance has been made available for public inspection prior to its adoption by the Board of Aldermen and this bill was read by title in the open meeting two times prior to its final passage.

Adopted by the Board of Aldermen this 10th day of August, 2016.

  
Sherria Kavanaugh, President  
of Board of Aldermen

Approved on this 10th day of August, 2016.

  
Winford Gilliam, Mayor

Attest:   
Debra Davis, City Clerk