

ORDINANCE NO. 2016-18-O

**AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY,
UTAH, AMENDING CHAPTER 12.20 OF THE LINDON CITY CODE BY
CREATING SECTION 12.20.215 "SMOKING AND VAPING" AND PROVIDING
FOR AN EFFECTIVE DATE.**

WHEREAS, Lindon City recognizes that smoking and second hand smoke have been repeatedly identified as health hazards; and

WHEREAS, Lindon City finds that it is in the public interest to enact an ordinance that will help to protect people of all ages from second hand smoke and to discourage children from the temptations of experimenting with tobacco or vaping products; and

WHEREAS, Lindon City believes that it is in the public interest and more specifically the health and welfare interests of children and adolescents to prohibit the smoking of cigarettes, cigars, and pipes, e-cigarettes, including electronic devices, within certain public places where children are likely to congregate, gather, play and/or engage in recreational activities and athletic competitions; and

WHEREAS, it is the intention of the Lindon City to work in collaboration with parents and youth in our community in reinforcing the message of the ills of smoking, and in providing additional means by which parents may discourage and youth may reject tobacco use.

NOW THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, Section 12.20.215, of the Lindon City Code is hereby adopted and will read as follows:

SECTION I:

12.20.215 Smoking and Vaping

1. In all City parks, smoking and vaping is prohibited within twenty five feet (25') of children's play areas, pavilions, restrooms, or sports fields as designated by "No Smoking" signs.
2. During any sporting or recreation event(s), smoking and vaping is prohibited within twenty five feet (25') of the athletic fields, sports courts, trails and play areas where the sporting or recreation event(s) are taking place, and is only permitted in associated parking areas.
3. In all City parks, the City shall post "No Smoking" signs which shall read "No Smoking or Vaping in Lindon City Parks Pursuant to City Code § 12:20:215".
4. This Ordinance shall be enforced by the Police Department of Lindon City and any person may initiate enforcement by registering a complaint with the Police Department. Any person found in violation of this section shall be guilty of a Class B Misdemeanor and fined, upon conviction, an amount not to exceed \$100.
5. For purposes of this Section, the following Definitions will apply:

- a. Smoking: The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco or any other substance that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.
- b. Vaping: Inhaling vapor or liquid through a personal vaporizer, e-cigarette, or other electronic smoking device.

SECTION II: Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.


SECTION III: The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect. If a provision of this ordinance is invalid in one or more of its applications, then the provision remains in effect for all applications that are severable from the invalid applications.

SECTION IV: This ordinance does not affect the rights or duties that matured, penalties that were incurred, or proceedings that were begun before its effective date.

SECTION V: This ordinance shall take effect immediately upon its passage and posting as provided by law.

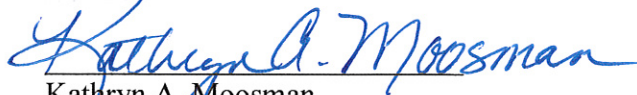
PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this

20th day of September, 2016



Jeff Acerson, Mayor

ATTEST:



Kathryn A. Moosman,
Lindon City Recorder

