

## ORDINANCE NO. 2184

### AN ORDINANCE AMENDING THE BEND CODE BY AMENDING SECTION 5.35.025 TOBACCO-USE PROHIBITED ON CITY CAMPUSES

#### Findings:

- A. According to the Environmental Protection Agency (EPA), tobacco smoke is a substance known to cause cancer in humans and is hazardous to the public health.
- B. The Oregon Indoor Clean Air Act regulates smoking in public places indoors and in some outdoor areas. ORS 433.870 provides that the law is in addition to any other law regulation smoking, which leaves local governments the authority to regulate smoking.
- C. The City Council previously adopted Section 5.35.025 Tobacco-use Prohibited on City Campuses. Increased incidents of smoking and tobacco use on and in City parking facilities have led staff to request prohibition of smoking to these areas.
- D. This ordinance expands the definition of City Campus to include City parking structures, expands the definition of smoking, and clarifies exceptions to the prohibition on smoking and tobacco use.

Based on these findings, the City of Bend ordains as follows:

Section 1. Bend Code Section 5.35.025 is revised as to read as follows:

#### **5.35.025 Smoking and Tobacco use prohibited on City Campuses**

(1) Definitions: The following definitions shall apply to this chapter:

(A) **City Campuses:** Any City or Bend Urban Renewal Agency (BURA) owned/leased facility where official business is conducted. This includes the interior and exterior of City/BURA buildings including but not limited to City Hall, Public Works/Police, Fire Departments, Municipal Airport, Riverfront Plaza and Hawthorne Station site and the exterior of buildings from the edge of the building to the public sidewalk including parking lots.

(B) **City Parking Structure:** Any city-owned structure used for motor vehicle parking, but not including surface parking lots.

(C) **Tobacco Product:** Any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may be utilized for smoking, chewing, inhalation, or other means of ingestion.

(D) **Smoking:** Any inhaling, exhaling, burning, or carrying of any lighted pipe, cigar, cigarette, or similar product containing tobacco, cannabis, or any similar substance.

(2) The City of Bend prohibits smoking and the use of tobacco products throughout all City campuses and City parking structures.

(3) Exceptions. The prohibition on smoking and the use of tobacco products does not apply to the following areas:

- a. Public sidewalks within the public right of way.
- b. Areas specified as a designated smoking area.
- c. Within a vehicle in a City parking structure.

(4) "Tobacco Free Campus" signs will be posted at all City campus entrances and signs shall be posted in City parking facilities indicating that smoking and tobacco use is prohibited.

(5) Tobacco receptacles will be placed at the "Tobacco Free Campus" sign locations at entrances to City Campuses as a receptacle for tobacco products.

(6) Any City Police Officer, City Code Enforcement Officer, City Manager or designated representative shall have the authority to request that City employees or members of the public discontinue smoking or other use of tobacco products on City campuses. Any person who fails to discontinue the use of their tobacco products immediately upon request is required to immediately leave the City campus. Failure to comply with an order to discontinue smoking or other tobacco use or leave a City campus constitutes Criminal Trespass in the Second Degree ORS 164.245.


(7) Violation of this section is a Class C Civil infraction.

Section 2. All other provisions of the Bend Code remain unchanged and in effect.

First Reading: April 4, 2012

Second Reading and Adoption by Roll Call Vote: April 18, 2012


YES:	Tom Greene	NO:	None
	Scott Ramsay		
	Mark Capell		
	Jodie Barram		
	Jim Clinton		
	Kathie Eckman		
	Mayor Jeff Eager		

  
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Jeff Eager, Mayor

ATTEST:

  
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Robyn Christie, City Recorder

Approved as to form:

  
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Mary Winters, City Attorney

