

ORDINANCE NO. 1115

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, PROHIBITING SMOKING IN THE CITY'S PARKS, DESCRIBING VIOLATIONS AND ESTABLISHING PENALTIES AND ADDING A NEW CHAPTER 9.24 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, smoking materials including cigarettes, cigarette butts and cigars all of which pose a risk of fire or other damage to public park facilities, trails, equipment, forests, landscaping, and the like; and

WHEREAS, the City's parks are intended for the healthy enjoyment of all our citizens, including our children and youth; and

WHEREAS, children are particularly at risk from the effects of second hand smoke from tobacco and other lighted materials, which has been linked with development of lung cancer, heart attack, low birth weight, sudden infant death syndrome, bronchitis, pneumonia, asthma, chronic respiratory problems, eye and nasal irritation, and middle ear infection; and

WHEREAS, each year, more than one million young people continue to become regular smokers and more than 400,000 adults die from tobacco-related diseases; and

WHEREAS, limiting the amount of smoking in parks will provide children and youth with positive role modeling and discourage them from smoking when they get older; and

WHEREAS, smoking materials represent a substantial amount of litter and trash in the City's parks; and

WHEREAS, it is in the best interest of the citizens of the City of Gig Harbor to adopt regulations prohibiting smoking in the City's parks;

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. A new chapter 9.24 is hereby added to the Gig Harbor

Municipal Code, which shall read as follows:

Chapter 9.24 PARKS

9.24.010 Smoking within City parks prohibited. It is unlawful for any person to smoke or light cigars, cigarettes, tobacco or other smoking material within City parks. The Director of Operations shall post signs in appropriate locations prohibiting smoking in the City's parks.

9.24.020 Penalties. Failure to comply with any of the provisions of this chapter shall constitute a civil infraction, subject to a penalty of \$100 as provided in GHMC § 1.16.010D.3.

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

Section 3. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 26th day of November, 2007.

CITY OF GIG HARBOR

CHUCK HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:
By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 11/7/07
PASSED BY THE CITY COUNCIL: 11/26/07
PUBLISHED: 12/5/07
EFFECTIVE DATE: 12/10/07
ORDINANCE NO.1115