

## **ORDINANCE NO. ?-11**

To amend Sec. 66-616 of the Municipal Code of the City of Racine, Wisconsin relating to Smoking – Prohibited; Prohibition of Smoking in Outdoor Areas.

The Common Council of the City of Racine do ordain as follows:

### **Part 1**

Sec. 66-616 of the Municipal Code of the City of Racine is hereby amended by adding the following at the end of the section:

## **2. Prohibition of Smoking in Outdoor Areas**

### **Smoking Definitions:**

**Smoking:** Burning, inhaling, exhaling, or carrying any lighted smoke producing device or equipment including cigarettes, cigars, pipes, or other devices for the purpose of smoking tobacco or any other plant or substance.

**Smoking Byproducts:** Ashes of any sort, cigarette and cigar butts, burnt tobacco or other burnt substances, burnt matches, and any other burnt or partially burnt elements of the smoking process.

**Flammable Waste:** Any trash or other refuse stored in public containers which may be combustible. Examples include, but are not limited to, paper, Styrofoam, cellophane, etc.

### **General Definitions:**

**City Park:** Any park, community center, recreation area, sports complex, open space preserve, landmark site, water park, splash pad, monument site, or other recreational site owned, leased, or managed by the City.

### **Location / Facilities Definitions:**

**Park Shelter:** Any area within a city park protected by permanent or temporary structures designed to provide horizontal or vertical protection from the elements. Shelters may be constructed of any material, and may or may not include chairs, benches, bleachers, or other amenities.

**City Beach:** Any coastal or other waterfront area which is owned or controlled by the City of Racine.

**Bleacher:** Any outdoor tier, grandstand, or seating structure where people can sit to watch an event, with or without a roof, tent, or other cover.

**Playground:** Any play area designed for use by children that is located in a city park. The boundary of a playground is typically defined with concrete, wood, or plastic but may be defined by other material.

**Recreational Facility:** For the purpose of this ordinance, the term Recreational Facility shall mean a specific physical area or structure, within the confines of a City Park, designed, built, created, or installed, to provide refreshment or to serve a specific function related to exercise, enjoyment of nature, or other pastimes or diversions affording relaxation and enjoyment within the greater park area. Examples include, but are not limited to, all of the locations previously defined in this ordinance.

**Sports Facility:** Any Recreational Facility especially designed to accommodate the needs of one or more specific sports. Examples include, but are not limited to, baseball fields, soccer fields, basketball courts, tennis courts, hockey rinks, volleyball courts, bocce ball courts, or other sports commons.

**Municipal Recreation Area:** For the purpose of this ordinance, the term Municipal Recreation Area shall include any and all of the locations and facilities explicitly or implicitly defined above and administered by the City of Racine Parks, Recreation, and Cultural Services Department (the Department).

**Smoking Area:** A designated area / location within a Municipal Recreation Area in which smoking is permitted.

### **Problem Statement: Issues / Concerns**

Smoking poses a well-defined danger to the health of the smoker and to all others who may be involuntarily subjected to smoke. Even in seemingly well-ventilated outdoor environments, wind variations can present sufficient smoke concentrations to create irritation, inflammation, and respiratory distress in nearby children and adults. In addition, discarding cigarettes, cigar butts, tobacco, and other Smoking Byproducts onto the ground is unsightly, unclean, and particularly hazardous to small children who frequently handle and sometimes ingest these items. Beyond the obvious health risks and environmental hazards, Smoking frequently poses a significant level of physical discomfort, inconvenience, and annoyance to others. With these concerns in mind, the purpose of this ordinance is to provide equal opportunity for everyone to enjoy the City of Racine Municipal Recreation Areas in a clean, pleasant, and smoke free environment.

### **Ordinance:**

Smoking is prohibited in, and within twenty-five (25) feet of, City of Racine Municipal Recreation Areas other than those exceptions specified below.

No person shall discard, dispose of, or deposit any Smoking Byproducts in and within twenty-five (25) feet of City of Racine Municipal Recreation Areas, except in approved containers specifically placed and designated for receipt of Smoking Byproducts. Smoking Byproducts shall not be disposed of in trash, refuse, rubbish, litter, or other receptacles containing or intended to contain Flammable Waste.

**Signage:**

The Department shall conspicuously post at every building, structure or public entrance, and in prominent locations throughout sites and premises administered by the Department, signs clearly indicating whether Smoking is prohibited or permitted. Signs in outdoor areas shall be placed so that the public has reasonable notice of the regulation. Where smoking is prohibited, all signs shall clearly and conspicuously recite the phrase “NO SMOKING” and / or use the international no-smoking symbol and shall cite this ordinance. Signs identifying designated Smoking Areas shall likewise be conspicuously posted.

**Exceptions:****Smoking is permitted in the following areas:**

1. The City of Racine owned and leased golf courses but only in designated areas and not within the clubhouses.
2. The City of Racine owned and leased food and recreational establishment at North Beach.

**Violations, Penalties, and Enforcement:**

Any person who violates this ordinance is guilty of an infraction and shall be punished by a fine not exceeding one hundred dollars (\$100) for a first violation, two hundred dollars (\$200) for a second violation within one year of a first violation, and five hundred dollars (\$500) for the third and each additional violation with one year of a first violation. Any law enforcement officer, park patrol officer, and park supervisor shall have the authority to enforce the provisions of this ordinance.