

ORDINANCE NO. 2189

AN ORDINANCE PROHIBITING SMOKING AND USE OF TOBACCO PRODUCTS AT THE MUNICIPAL BASEBALL AND SOFTBALL PARK OR MUNICIPAL PARKS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, The City Governing Body has determined that it is in the interest and welfare of the citizens of the City and those using City park facilities to develop a policy regarding smoking and use of tobacco products in City parks.

BE IT ORDAINED by the Governing Body of the City of Burlingame, Kansas.

- A. Smoking is prohibited in any City park, whenever the park is being used for a USD 454 school activity or function or any City or USD 454 sanctioned youth activity.
 - 1. U.S.D. 454 or City sanctioned activities or functions shall include but are not limited to Burlingame Parks and Recreation programs, youth baseball games, youth softball games, tee-ball games, youth soccer, flag football games, youth tackle football games, track and field, youth basketball games, and all team practices.
- B. The municipal softball and baseball fields, including the spectator area and the swimming pool are designated "Tobacco Free Zones." Smoking or use of tobacco product in these areas is prohibited.
- C. No Person shall dispose of any tobacco product, or any part of a tobacco product in any park, except in a designated waste disposal container.
- D. Notwithstanding subsection A and unless otherwise provided by state or federal law, smoking is permitted within designated areas or in the parking lots or off-street parking areas and a minimum of 25 feet away from all facility entrances. Designated smoking areas shall be prominently marked with signs.

E. For purposes of this section, the following words and phrases shall have the meaning set forth in the subsection.

1. The term "park" shall mean and include all parks owned or controlled by the city and all parkways owned or controlled by the city. The term parks also include bike paths, and alleys which are used or intended to be used in connection with a park or parkway. Parks does not include parking lots, off-street parking areas, or the sidewalks along the perimeter of parks.
2. "Smoking" means possession (and "smoke" means to possess) any object containing a lighted tobacco product or any other lighted weed or plant, or the lighting of any object containing a tobacco product or any other weed or plant.
3. "Tobacco Product" means any substance containing tobacco leaf, including but not limited to cigarettes, pipe tobacco, bidis, snuff, chewing tobacco, and dipping tobacco or any other preparation of tobacco.

Any person found guilty of a violation of this ordinance shall be punished by fine of not more than \$20.00 for each violation.

ADOPTED AND APPROVED by the Governing Body of the City of Burlingame, Kansas, this 17th day of September, 2012.

Mayor

ATTEST:

City Clerk