

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 667.02, ENTITLED RESTRICTIONS IN PUBLIC PLACES, AND CODIFIED ORDINANCE SECTION 1070.02, ENTITLED MUNICIPAL PARK RULES.

WHEREAS, the Public Safety and Health Committee and the Police Chief recommended amending Codified Ordinance Sections **667.01**, 667.02 and Codified Ordinance Section 1070.02; and

WHEREAS, Council, coming now to consider said recommendation approves it in full.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Codified Ordinance Sections 667.01 and 667.02 are hereby amended as follows:

667.01 DEFINITIONS.

- (a) “City property” means any enclosed area of any building, structure, vehicle, or other enclosed space owned and operated by the City, wheresoever located within the City.
- (b) “Sign” means legible, English lettering on a contrasting background to clearly indicate that smoking is not permitted and to provide related information. The international “NO SMOKING” symbol, consisting of a pictorial representation of a burning cigarette enclosed with a red circle with a red bar across it, may be used in or substituted for a sign indicating that smoking is prohibited. A sign shall be of sufficient size to be clearly legible to one of normal vision throughout the area it is intended to mark.
- (c) “Smoking” means the combustion of tobacco, including cigarette tobacco, pipe tobacco, cigar tobacco and all other types and forms of tobacco products.
- (d) “Smoking materials” means any cigar, cigarette, pipe, weed, plant or other smoking equipment in any form.
- (e) “Tobacco” means any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, electronic cigarette, and any other smoking product, and spit tobacco, also known as smokeless, dip, chew and snuff, in any form.

(f) "City land" means any unenclosed land owned or managed by the City, including but not limited to parking lots and landscaped areas, but not including dedicated streets, sidewalks, and tree lawns.

(xx) "Marijuana" means all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. "Marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Marijuana" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Ohio Revised Code.

667.02 RESTRICTIONS IN PUBLIC PLACES.

(a) No person shall engage in smoking or the use of tobacco or marijuana in City property.

(b) ~~Effective January 1, 2019,~~ No person shall engage in smoking or the use of tobacco or marijuana on City land.

Section No. 2: That Codified Ordinance Section 1070.02(u) is hereby amended as follows:

1070.02 MUNICIPAL PARK RULES.

(u) Use of Tobacco and Marijuana Prohibited. The smoking or use of tobacco or marijuana in parks is prohibited.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

1st reading: 01/22/2024

2nd reading:

3rd reading:

PASSED: 2/12/2024

/s/ Martin E. O'Donnell
President of Council

POSTED: 2/16/2024

APPROVED: 2/13/2024

ATTEST: /s/ Valerie E. Rosmarin
Clerk of Council

/s/ Mark A. Spaetzel
Mayor