

## ORDINANCE 2006-12

### **AN ORDINANCE PROHIBITING SMOKING WITHIN 25 FEET OF PLAYGROUNDS, PLAY PITS, SPORTING AREAS, CHILDREN AND ANIMAL VENUES, GATHERING PLACES, CONCESSION STANDS, AND PATHWAYS**

**WHEREAS**, this commission finds that the public health, convenience, and necessity require the adoption of an ordinance restricting secondhand smoke exposure in certain public places; and

**WHEREAS**, this commission held a public hearing and found that those in attendance were in favor of the general terms of this ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH** that Title 6, Chapter 22 of the Tooele County Code is hereby enacted to read as follows:

#### **CHAPTER 22**

#### **SMOKING IN PUBLIC PLACES**

##### **6-22-1. Smoking prohibited.**

In the unincorporated areas of Tooele County, smoking is prohibited within 25 feet of public playgrounds, play pits, sporting areas, children and animal venues, gathering places, concession stands, and pathways. It shall be permissible to smoke in public parking areas and other designated areas at such venues.

##### **6-22-2. Definitions.**

As used in this chapter:

(1) "Playground" means any park or recreational area specifically designed to be used by children that may have play equipment installed, or any similar facility located on public grounds.

(2) "Play Pit" means any designated play area within a public park for use by children, where the area is not contained by a fence. The boundary of a play pit shall be defined by the edge of the resilient surface of safety material, such as concrete or wood, or any other material surrounding the play pit.

(3) "Sporting Area" means any public area used for sporting events, including, but not limited to, bleachers, backstops, sports fields, ball diamonds, basketball courts, tennis or volleyball courts, skateboard areas, swimming pools, and BMX areas.

(4) "Gathering Place" means any public area where people congregate or assemble, including, but not limited to, boweries, pavilions, amphitheaters, picnic tables, and booths.

(5) "Concession Stand" means any place intended for the distribution of goods and services in a public area.

(6) "Pathway" means any pathway located in a public area intended for walking, jogging, or biking.

(7) "Public Park" means any park operated by a public agency.

(8) "Smoke" or "Smoking" means the carrying of a lighted pipe, cigar, or cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind, including, but not limited to, tobacco, or any other weed or plant.

(9) "Tobacco" means cigarette and tobacco products as defined in Utah Code Section 59-14-102.

**6-22-3. Violation.**

Any person, association, corporation, or the officers of the association or corporation who violates any provision of this chapter shall be:

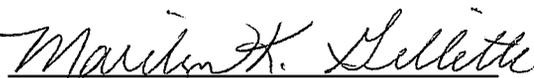
(1) on the first violation, guilty of an infraction; and

(2) on the subsequent similar violation within two years, guilty of a class C misdemeanor.

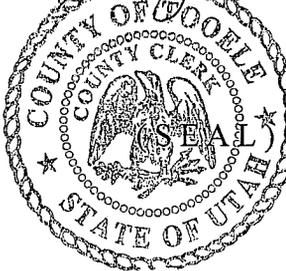
**IN WITNESS WHEREOF** the Tooele County Commission, which is the legislative body of Tooele County, passed, approved, and enacted this ordinance this 28<sup>th</sup> day of March, 2006.

**ATTEST:**

**TOOELE COUNTY COMMISSION:**

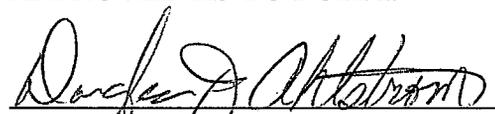
  
DENNIS D. EWING, Clerk

  
DENNIS ROCKWELL, Chairman

  
Marilyn K. Gillette  
Chief Deputy Clerk

Commissioner Rockwell voted aye  
Commissioner Lawrence voted aye  
Commissioner Johnson voted aye

**APPROVED AS TO FORM:**

  
DOUGLAS J. AHLSTROM  
Tooele County Attorney

# PROOF OF PUBLICATION

STATE OF UTAH }  
County of Tooele } ss.

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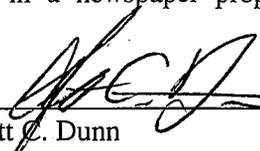
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I, Scott C. Dunn, being first duly sworn, depose and say that I am the Publisher of the Tooele Transcript-Bulletin, a twice-weekly newspaper of general circulation published each Tuesday and Thursday at Tooele City, Tooele County, Utah; that the notice attached hereto and which is a part of the proof of publication of

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was published in said newspaper for one issue(s), the first publication having been made on the 11th day of April, 2006, and the last on the 11th day of April, 2006; that said notice was published in the regular and entire issue of every Tuesday edition of the paper during the period and time of publication, and the same was published in a newspaper proper and not in a supplement.

  
\_\_\_\_\_  
Scott C. Dunn

Subscribed and sworn to me this 14th day of April, 2006.

  
Notary Public  
**CHRISTIN EVANS**  
639 Country Club  
Stansbury Park, Utah 84074  
My Commission Expires  
January 5, 2010  
State of Utah

  
\_\_\_\_\_  
Notary Public