



**ROCHESTER PARK AND RECREATION DEPARTMENT
REQUEST FOR ACTION BY BOARD OF PARK COMMISSIONERS**

SUBJECT: Smoke Free Policy	DATE: 12/03/13
ITEM DESCRIPTION: Prohibition on the use of vapor/e-cigarettes	PREPARED BY: M. Nigbur
<p>Over the past several months there has been discussion on the use and prohibition of vapor or e-cigarettes on public property. The Library Board has adopted a prohibition for their facility, the Park Board has adopted a prohibition for the Mayo Civic Center, and the City Council has further amended the smoking ordinance for Bus Shelter areas and the downtown Medical Zone to include e-cigarettes in the prohibition. Additionally, there is an adopted Park Board Rule from 2000 which further restricted the use of smoking at parks and the county has adopted a smoking ordinance in 2007.</p> <p>The County’s ordinance impacts the following areas: “Public Place” - means <u>any enclosed, indoor area used by the general public or serving as a place of work including, but not limited to, arenas, auditoriums, bars, bowling alleys, bingo halls, commercial establishments, educational facilities other than public schools, as defined in Minnesota Statutes §120A.05, subdivisions 9, 11, and 13, hospitals, offices and other commercial establishments, pool halls, public conveyances, restaurants, retail stores, and common areas of rental apartment buildings. This term includes taxis, limousines, and other for-hire vehicles used to transport the public during hours of operation. “Public Place” also means an outdoor area of a public recreation center or public park, including, but not limited to, a public playground, swimming pool or other recreational area when in use by youth under the age of eighteen.</u></p> <p>The County’s ordinance has far reaching implications to the Park system. However, there are some portions of the ordinance which should have more clarification. According to this ordinance it allows smoking at parks when youth are not using it. However, because of the impracticality of determining when youth may or may not be using the park this creates a virtual prohibition and creates challenges for enforcement. This ordinance coupled with the Park Board’s prior adoption really should be further clarified and should also include the vapor/e-cigarettes prohibition.</p> <p>Pursuant to the known health hazards with the use of products that contain nicotine and the Board’s Mission for health and wellness I would recommend the board consider adopting a rule which would consider the intent but clarify some of existing ordinances and which would include the prohibition of vapor/e-cigarettes.</p>	
<p>STAFF RECOMMENDATION: <i>No person may smoke within any park structures, buildings, facilities, and within any outdoor area of park property except in designated areas. Note: smoking means inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, electronic cigarette, personal vaporizer, electric nicotine delivery system, or other lighted tobacco or plant product intended for inhalation.</i></p>	

PARK BOARD ACTION _____

DATE _____