

ORDINANCE NO.: 5089

AN ORDINANCE to create Section 34-73 of the Code of Ordinances of the City of La Crosse prohibiting smoking in City Parks.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 34-73 is hereby created to read as follows:

Sec. 34-73 No Smoking or Using Tobacco Products in City Parks

- (a) "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, hookah pipe, plant or other combustible substance in any manner or in any form and use of electronic devices with electrical ignition or vaporization (e-cigarettes/cigars or similar devices).
- (b) Smoking is prohibited in all City Parks, except the City or the private entity controlling the City Park may designate certain specified area where smoking is permitted if all the following criteria are met:
 - (1) The designated area must be clearly designated and marked with smoking permitted signs.
 - (2) The area must be at least fifty feet from any picnic areas, sports fields or improvements used for recreational activity, food vendors, lines for recreational activities in the recreational area and heating and air conditioning intakes or vents.
 - (3) The area must be completely unenclosed.
 - (4) The agreement or special event permit between the City and a private entity permits the designation of a smoking area.
 - (5) The Director of Parks and Recreation or their designee may designate locations where smoking is permitted pursuant to this section. No city official is required to designate a smoking area and may consider the uses in the recreation area, fire hazards, proximity to fields, elderly, children and employees and other factors in her/her discretion.

SECTION II: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION III: This ordinance shall take effect and be in force effective upon passage and publication.

_____/s/_____
Timothy Kabat, Mayor

_____/s/_____
Teri Lehrke, City Clerk

Passed: 5/9/19
Approved: 5/13/19
Published: 5/18/19