

TITLE

AN ORDINANCE TO AMEND TITLE 11, TITLED "MUNICIPAL OFFENSES," CHAPTER 1, TITLED "MISCELLANEOUS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 11-111, TITLED "SMOKING AT PLAYGROUNDS PROHIBITED," AND SUBSTITUTING THEREFOR A NEW SECTION 11-111, TITLED "SMOKING, USE OF TOBACCO PRODUCTS, AND USE OF VAPOR PRODUCTS AT PARKS, PLAYGROUNDS, GREENWAYS, AND PUBLIC PROPERTY PROHIBITED; EXCEPTIONS," TO EXPAND THE PROHIBITION AGAINST SMOKING ON PLAYGROUNDS TO INCLUDE THE USE OF VAPING PRODUCTS AND TO PROHIBIT THE USE OF TOBACCO PRODUCTS AND VAPOR PRODUCTS TO PARKS, GREENWAYS, AND OTHER CITY-OWNED PROPERTY THAT IS ACCESSIBLE BY YOUTH.

WHEREAS, in light of the CDC's and U.S. Surgeon General's publications on secondhand smoke, City Council adopted City Code §11-111 to prohibit smoking on playgrounds under the authority granted by Tennessee Code Annotated §39-17-1551(e); and

WHEREAS, through the adoption of Public Chapter 574, effective July 1, 2021, Tennessee Code Annotated §39-17-1551 was amended to allow local governments the ability to prohibit the use of tobacco products and vapor products on public parks, playgrounds, greenways, and other public property accessible for use by youth as long as the property is owned or controlled by the local government; and

WHEREAS, the City Council desires to utilize the authority granted by this new legislation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 11, titled, "Municipal Offenses," Chapter 1, titled "Miscellaneous," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 11-111, titled "Smoking at Playgrounds Prohibited," and substituting therefor a new Section 11-111, titled "Smoking, Use of Tobacco Products, and Use of Vapor Products at Parks, Playgrounds, Greenways, and Public Property Prohibited; Exceptions," said new section to read as follows:

Section 11-111. Smoking, Use of Tobacco Products, and Use of Vapor Products at Parks, Playgrounds, Greenways, and Public Property Prohibited; Exceptions.

- (1) Under the authority granted by Tennessee Code Annotated §39-17-1551(e)(1), it is a violation for any person to smoke and/or use vapor products on the grounds of any City-owned playground.
- (2) Under the authority granted by Tennessee Code Annotated §39-17-1551(f)(1), is a violation for any person to use tobacco products and/or vapor products on the grounds of any public park, public greenway, or any public property that is accessible to use by youth (ex. library, civic center) provided such property is owned or controlled by the city.
- (3) As used in this section:
  - A. "Greenway" means (1) an open space area following a natural or man-made linear feature designed to be used for recreation, transportation, and conservation, and to link services or facilities; and/or (2) a paved, gravel-covered, woodchip-covered, or wood-covered path that connects one greenway entrance with another greenway entrance.
  - B. "Grounds" means the entire real property upon which a park, playground, greenway, or public property is located, as determined by the property lot lines, including any permanent or temporary restroom facilities but exclusive of the parking areas. "Grounds" specifically does not include buildings, sidewalks, or roads for all public property other than playgrounds.

- C. "Playground" is any indoor or outdoor facility that is intended for recreation of children.
- D. "Smoke" means the burning of a tobacco product, hemp product, or any other drug or substance, but does not include the use of a vapor product.
- E. "Tobacco product" means any product that contains tobacco and is intended for human use.
- F. "Vapor product" means (1) any noncombustible product containing nicotine or any other substance that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce or emit a visible or non-visible vapor, and/or (2) includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product, and any vapor cartridge, any substance used to refill a vapor cartridge, or other container of a solution containing nicotine or any other substance that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product. "Vapor product" specifically does not include any product regulated under Chapter V of the Food, Drug, and Cosmetic Act (21 U.S.C. §351 et seq.).
- G. "Youth" means persons under twenty-one (21) years of age.

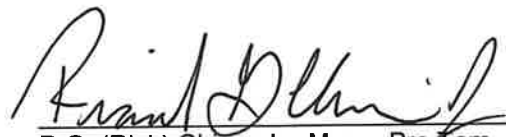
- (4) Exceptions. The City Manager is authorized, but not required, to establish designated areas within these properties where smoking and/or the use of tobacco products and/or vapor products are permitted. Such areas will be designated by appropriate signage.

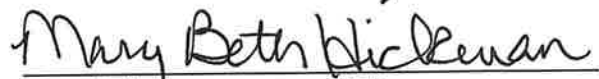
Section 2. The City shall make efforts to educate the public regarding this ordinance through the use of media outlets and other communications tools. While warnings may be issued by law enforcement as part of the education effort, enforcement through the use of citations shall not occur prior to February 1, 2022.

Section 3. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

  
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 Tammy M. Dunn, City Attorney

  
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 R.G. (Rick) Chinn, Jr., Mayor Pro Tem

  
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 Mary Beth Hickman, City Clerk

First Reading: 11/08/2021  
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