

ORDINANCE NO. 2014-6 - 1

AN ORDINANCE OF THE TOWN OF WINONA LAKE
BANNING E-CIGARETTES AND TOBACCO USE IN THE TOWN PARKS AND
GREENWAYS

WHEREAS, the Winona Lake Park Board has recommended that all town owned or managed parks in Winona Lake should be “Tobacco Free”, as the Scientific evidence indicates that secondhand smoke is a human carcinogen for which there is no safe level of exposure and exposure to secondhand smoke has immediate health consequences such as asthma attacks and other respiratory diseases. Further, secondhand smoke levels in outdoor public places can reach levels as high as those found in indoor facilities where smoking is permitted, and

WHEREAS, e-cigarettes, generally contain toxins such as Diethylene Glycol, Tetramethylpyrazine or cancer causing compounds such as nitrosamines, and other unhealthy substances in the liquid that when used emit toxic vapors or other chemicals or drugs that can be harmful or bothersome to others around the user. An e-cigarette can explode or break exposing humans to harmful toxins, further, the e-cigarette liquid can be refilled with liquids that may pose other dangers to humans. and

WHEREAS, cigarettes and tobacco chew, once consumed in public places, are often discarded on the ground thereby littering and polluting the environment, thus requiring additional maintenance expenses. Such littering diminishes the beauty of the Town’s recreational facilities and beaches; may cause harm to persons, animals and fish, by toddlers, birds or fish ingesting the substances, none of which is healthy; and

WHEREAS, Winona Lake Park Board believes that tobacco use and e-cigarette should not be used in the proximity of children and adults engaging in or watching outdoor recreational activities at Town-owned or operated facilities is detrimental to their health and can be offensive to those using such facilities; and

WHEREAS, Town Council recognizes that the purpose of park areas and greenways in the Town is to promote community wellness with a safe healthy environment, and

WHEREAS, the Winona Lake Park Board, has requested and the Town Council has determined to establish an Ordinance prohibiting e-cigarette and tobacco use at the Town's recreational facilities in order to protect the health, safety and welfare of all citizens and guests of Winona Lake, Indiana,

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WINONA LAKE, INDIANA AS FOLLOWS

Section 1: Use of Tobacco and e-cigarettes on Park Property and Greenways Prohibited:

The following paragraphs 8 and 9 are now added to subsection (b) of Sec. 44-2. Winona Lake Park rules and regulations of the Winona Lake Town Code,; which paragraphs are as follows:

(8) (i) Use of tobacco in any form or manner is prohibited upon the Town Parks, the Lake City Greenway and Heritage trail in the Town, and more specifically it is unlawful for any person to deposit or use any form of tobacco at or on any part of the Lake City Greenway or the Heritage Trail within the Town, or on or at any Town Park in the Town or at any other Town-owned or operated outdoor recreational facilities, including but not limited to, the restrooms, concession areas, spectator areas, parking lots, park grounds, beaches, and aquatic areas, within the Town.

(ii) Appropriate signs shall be posted in the above specified areas.

(9) (i) To use, show, or demonstrate e-cigarettes in any form or manner is prohibited upon the Town Parks, the Lake City Greenway and Heritage trail, and more specifically, it is unlawful for any use, show, or demonstrate e-cigarettes in any form or manner at or on any part of the Lake City Greenway or the Heritage Trail within the Town, or on or at any Town Park in the Town or at any other Town-owned or operated outdoor recreational facilities, including but not limited to, the restrooms, concession areas, spectator areas, parking lots, park grounds, beaches, and aquatic areas, within the Town.

(ii) Appropriate signs shall be posted in the above specified areas.

Section 2: Enforcement and Penalties:

The enforcement and penalties set forth in Sec. 44-2. Winona Lake Park rules and regulations, (c) and (d) apply to Section 1 (i) of this Ordinance.

Section 3. Severability:

If any part of the foregoing Ordinance is determined to be invalid, all other parts shall remain in full force and effect.

Section 4. Declaration of Emergency and Effective Date:

The Town Council hereby declares that an Emergency is Existing requiring the immediate effectiveness of this Ordinance, therefore this Ordinance will be effective and in full force and effect after its passage and adoption by the Town Council and its posting in one (1) public place in each of the five (5) districts in the Town as required by IC 36-5-2-10 (a) and (b), all as is provided and required by law.

UPON MOTION duly made and seconded and adopted by unanimous vote of all Town Council Members present, the foregoing Ordinance was considered for passage upon on its first presentation.

UPON MOTION duly made, seconded and passed by a vote of ___ ayes ___ nays, and ___ abstentions being more than 2/3 of the elected members of the Town Council of the Town of Winona Lake, Indiana, the foregoing Ordinance was adopted this ___ day of _____, 2014.

WINONA LAKE TOWN COUNCIL

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NAY:

Bruce Shaffner, President

Bruce Shaffner, President

Peter Christos, Council Member

Peter Christos, Council Member

Terry Howie, Council Member

Terry Howie, Council Member

Randy Swanson, Council Member

Randy Swanson, Council Member