

ORDINANCE NO. _____

**AMENDING CHAPTER 49 OF THE NORTH LIBERTY CODE OF
ORDINANCES TO PROHIBIT SMOKING IN PARKS AND ON TRAILS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT. Chapter 49.03 of the North Liberty Code of Ordinances is amended to read as follows:

49.03 DEFINITIONS.

For the purposes of this chapter:

- ~~1.~~ ~~1.~~ All definitions set out in Section 142D.2, Code of Iowa are incorporated herein.
- ~~2.~~ "Park" means any City-owned property primarily adapted for public recreation, including, but not limited to, any area identified as a park in the City of North Liberty Parks Plan, as adopted by the City Council.
- ~~3.~~ "Prohibited Nicotine Product" means all types of tobacco, nicotine, vape, and electronic smoking device products, except nicotine products approved by the Food and Drug Administration for the cessation of nicotine intake.
- ~~4.~~ "Trail" means any off-road trail or wide sidewalk dedicated for public use and maintained by the City of North Liberty, measuring 8 feet or wider, including, but not limited to, trails and 8-foot sidewalks identified in the City of North Liberty Trails Network Plan, as adopted by the City Council.
- ~~25.~~ "Vapor product" means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electrical, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution of other substance. "Vapor Product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor Product" does not include any product regulated as a drug or device by the United States Food and Drug Administration, under Chapter V of the federal Food, Drug and Cosmetic Act.

SECTION 2. AMENDMENT. Chapter 49.04 of the North Liberty Code of Ordinances is amended to read as follows:

49.04 PROHIBITION.

It shall be unlawful for any person to use any vapor product in any place where ~~cigarettes are smoking is~~ prohibited ~~to be used~~ pursuant to ~~Section Chapter~~ 142D.2 of the Smokefree Air Act, Code of Iowa.

SECTION 3. NEW SECTION. Chapter 49.06 of the North Liberty Code of Ordinances is enacted as follows:

49.06 PARKS AND TRAILS PROTECTED.

It shall be unlawful for any person to smoke or use any Prohibited Nicotine Product on the grounds of any City park or trail at any time. There shall be no designated areas for the use of Prohibited Nicotine Products on the grounds of any City park or trail.

SECTION 4. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. SCRIVENER’S ERROR. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk’s designee without further public hearing.

SECTION 6. SEVERABILITY. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 7. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on _____, 2022.
Second reading on _____, 2022.
Third and final reading on _____, 2022.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. _____ in the North Liberty *Leader* on the ____ day of _____, 2022.

TRACEY MULCAHEY, CITY CLERK