

ORDINANCE NO.738
2ND SERIES

AN ORDINANCE AMENDING CHAPTER 9 OF THE ALEXANDRIA CITY CODE BY
ADDING SECTION 9.03 REGARDING TOBACCO AND ELECTRONIC DELIVERY
DEVICE USE IN PUBLIC PARKS

The City Council of the City of Alexandria does hereby **ORDAIN**:

SECTION I. That Section 9.03 of the Alexandria City Code is hereby added to Chapter 9 of the Alexandria City Code with the following language:

Section 9.03. Tobacco and Electronic Delivery Device Use in Public Parks

Subd. 1. Purpose. The City of Alexandria is committed to providing safe and healthy environments. Tobacco use is a major cause of preventable disease and death. Electronic delivery devices, more commonly referred to as electronic cigarettes or e-cigarettes, closely resemble and mimic the act of smoking. Their use in locations where smoking is prohibited creates concern and confusion. The City of Alexandria believes the use of tobacco products, including electronic delivery devices, in its parks is detrimental to the health and safety of its community.

Subd. 2. Definitions.

- A. All Times. "All times" means 24 hours a day, seven days a week.
- B. Electronic Delivery Device. "Electronic delivery device" means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to stimulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. The term includes any such devices, whether they are manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, or under any other product name or descriptor.
- C. Public Park. "Public Park" means all parks, trails, and open space controlled by the City of Alexandria.
- D. Smoking. "Smoking" means inhaling or exhaling from any lighted or heated cigar, cigarette, pipe, or any other tobacco or plant product, or inhaling or exhaling aerosol or vapor from any electronic delivery device. Smoking shall include being in possession of a lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, or an electronic delivery device that is turned on or is otherwise activated.
- E. Tobacco Product. "Tobacco product" means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or

ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to cigarettes, cigars and other smoking tobacco; snuff and other chewing tobaccos; and any other kinds and forms of tobacco.

F. Tobacco Use. "Tobacco Use" means the act of smoking or the use of any tobacco product in any form or manner.

Subd 3. Tobacco Use and Electronic Delivery Device Use Prohibited. The sale and use of tobacco products and electronic delivery devices are prohibited at all times in or on all public parks the City of Alexandria has the authority to control regardless of location, unless authorized in specific areas by the City Council.

Subd. 4. Enforcement. Any person found guilty of violating this section shall be guilty of a misdemeanor.

Subd. 5. Severability and Savings Clause. If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as invalidation or affect the validity and enforceability of any other section or provision of this ordinance.

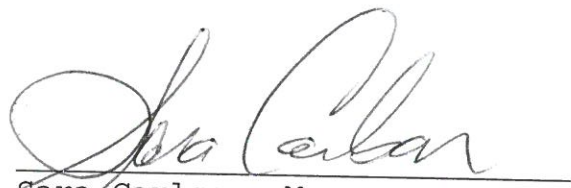
SECTION II. This Ordinance shall be in effect and full force after its publication.

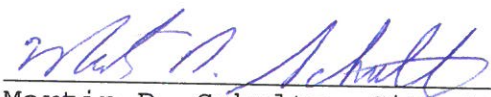
ADOPTED by the City Council of the City of Alexandria this 12th day of October, 2015, by the following vote:

YES: BATESOLE, KUHLMAN, OSTERBERG, BENSON, JENSEN

NO: NONE

ABSENT: NONE


Sara Carlson, Mayor

ATTEST: 
Martin D. Schultz, City Administrator