



Ordinance

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

No. 414

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING, ADDING AND RENUMBERING SECTIONS OF THE SAN LUIS CITY CODE IN CHAPTER 94, TITLED "PARKS AND RECREATION" UNDER THE SUBCHAPTER "TOBACCO PRODUCTS" TO EXPAND THE PROHIBITION ON THE USE OF TOBACCO PRODUCTS BEYOND CITY PARKS TO CITY OPEN PUBLIC SPACES, AND DESIGNATING AREAS TO ALLOW THE USE; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY.

WHEREAS, On September 9, 2015, the San Luis City Council passed Ordinance No. 341 after discussion and consideration of a request by the youth of San Luis that tobacco products be banned from city parks and that city staff would determine designated areas for SMOKING; and

WHEREAS, the City Council has determined that it is in the best interest of the public's health and safety to expand the ban of the use of tobacco products to not just the City's parks but all of the City's OPEN PUBLIC SPACES except in designated areas determined by staff;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of San Luis, Arizona:

Section 1. Section 94.20.010 is added to Chapter 94, Subchapter Tobacco Product to read:

§ 94.20.10 DEFINITIONS

For purposes of this subchapter, the following definition(s) shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC OPEN SPACE or PUBLIC OPEN SPACES. All grounds in which the city permits recreational use and are either owned or maintained by the city. In particular City Parks, Recreational Facilities, Retention Basins, that are used for Recreational purposes, Parks and Recreation Department designated pathways and Bicycle ways.

SMOKING is defined as inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or product intended for inhalation, in any manner or in any form. "**SMOKING**" also includes the use of an electronic cigarette which creates a vapor, in any manner or in any form, or the use of any oral **SMOKING** device for the purpose of circumventing the prohibition of **SMOKING** in these regulations.

Section 2. Section 94.20 is renumbered 94.20.25 and amended to read:

§ 94.20.25 DESIGNATED AREAS FOR USE OF TOBACCO PRODUCTS AT PUBLIC OPEN SPACES.

It shall be unlawful for any person or entity to use tobacco products at PUBLIC OPEN SPACES, including but not limited to PUBLIC OPEN SPACES, other than in areas specifically designated for use of such products. Areas in PUBLIC SPACES where the use of tobacco products is allowed shall be determined by the City staff and such areas will be indicated by the placement of signs where the use of tobacco products shall be allowed.

Section 3. In the event of a conflict between the provisions of this ordinance and any other ordinance, resolution, order, regulation, or policy of the City of San Luis, the conflicting provisions are repealed, superseded, and replaced, and the provisions of this ordinance shall govern.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED, ADOPTED and APPROVED by the Mayor and City Council of the City of San Luis, Yuma County, Arizona this ____ day of March, 2021.

Gerardo Sanchez, Mayor

ATTEST:

APPROVED AS TO FORM:

Sonia Cornelio, City Clerk

Kay Marion Macuil, City Attorney