

AN ORDINANCE TO PROHIBIT THE SMOKING, VAPING OR CONSUMPTION OF TOBACCO PRODUCTS AT VILLAGE PARKS

WHEREAS, The elected officials of the Village of Weston, Ohio, are responsible for the health, safety and general welfare of the village; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health and safety of the Village of Weston, Ohio, and its citizens; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WESTON, COUNTY OF WOOD AND STATE OF OHIO:

Section 1: Council, adopting the determinations recited above, hereby adopts Section 174.36 of the Codified Ordinances of the Village of Weston.

Section 2: New Section 174.36, of the Codified Ordinances of the Village of Weston is and shall be hereby enacted to read as follows:

Section 174.36 SMOKING, VAPING, OR CONSUMING TOBACCO PRODUCTS PROHIBITED AT VILLAGE PARKS

1. DEFINITIONS
 - a. As used in this section, “smoke” or “smoking” means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other smoking device for burning tobacco or any other plant.
 - b. As used in this section, “vape” or “vaping” means to inhale and/or exhale the vapor produced by an electronic cigarette or similar device.
 - c. As used in this section consuming or consumption is defined as ingesting or placing a tobacco product in one’s mouth.
 - d. As used in this section, “Village Parks” are defined as a park, reservation, playfield, playground, tot lot, multipurpose area, ballfield, tennis court, basketball area and all other open space area in the village, owned or used by the village, and devoted to active or passive leisure.
2. No person shall smoke, vape, consume, or be smoking, vaping, or consuming tobacco at any of the Village Parks, including any ingress and egress access points (sidewalks, driveways, and parking lots) to the Village Parks.
3. Whoever violates this section is guilty of a minor misdemeanor.
4. Lack of intent to violate this Section shall not be used as a defense to a violation of this Section.

Section 3: If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining provisions thereof.

Section 4: That all other ordinances inconsistent herewith, are hereby repealed.

Section 5: That the council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of the Council and that all deliberations of the Council and its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with acceptable legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6: That for the reasons set forth in the preamble hereto, this Ordinance shall take effect at the earliest time allowed by law.

PASSED: _____
MAYOR

ATTEST: _____
CLERK

CERTIFICATION

I hereby certify that there is no newspaper printed in said municipality, and that the publication of the foregoing Ordinance No. _____ was duly made by posting a true copy thereof at five (5) of the most public places in said Weston, Ohio, as determined by Council, as follows:

Weston Public Library Weston Post Office Weston Marathon
Weston Market Village Administrative Offices

for period _____ through _____.

CLERK

CORY KUHLMAN
VILLAGE SOLICITOR