

**ORDINANCE 2005-03**

**AN ORDINANCE PROHIBITING THE USE OF TOBACCO PRODUCTS ON ALL PARKS AND RECREATIONAL AREAS OWNED AND LEASED BY HYDE PARK CITY, UTAH**

**WHEREAS**, the safety, health and welfare of Hyde Park City residents is a concern of the Hyde Park City Council; and,

**WHEREAS**, Utah Code Annotated \*78-38-5, indicates that the Utah State Legislature relies on findings from the Environmental Protection Agency (EPA) regarding environmental tobacco smoke, also known as second hand smoke, as a Group A carcinogen; and,

**WHEREAS**, environmental tobacco causes an increase in respiratory diseases and disorders among exposed persons; and,

**WHEREAS**, the EPA has found that environmental tobacco smoke is responsible for approximately 3,000 lung cancer deaths each year in nonsmoking adults and impairs the respiratory health of hundreds of thousands of children; and,

**WHEREAS**, in order to protect it's citizens, the Hyde Park City Council desires to lead by example in preventing adults and youth from being subjected to the effects of second hand smoke.

**NOW THEREFORE, BE IT ORDAINED**, by the City Council of Hyde Park, Utah, as follows:

**Smoking or carrying lighted cigarettes, pipes, cigars, and other tobacco products on all publicly owned or leased areas where playground equipment has been installed for public use by children, play pits, play structures, bleachers, backstops, sports fields, ball diamonds, basketball courts, tennis or volleyball courts, concession stands, skateboard areas, BMX areas, boweries, and pathways for walking, is prohibited.**

**PENALTY.** The violation by any person of the provision of the ordinance is a Class "C" Misdemeanor.

**SEVERABILITY.** If any part of this ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this ordinance.

**EFFECTIVE DATE.** This ordinance shall become effective immediately after passage by the Hyde Park City Council.

**PASSED AND ADOPTED** by the City Council of Hyde Park City, State of Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

**HYDE PARK CITY**, A Municipal Corporation

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David N. Kooyman – Mayor

**ATTEST:**

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Marsha W. Hymas – City Recorder