ORDINANCE NO. 2016-01

AN ORDINANCE PROHIBITING SMOKING IN MULBERRY, ARKANSAS CITY BUILDINGS AND VEHICLES OWNED OR LEASED BY THE CITY OF MULBERRY, ARKANSAS, AND TO REPEAL ORDINANCE 2002-04 AND FOR OTHER PURPOSES

WHEREAS, studies by the Surgeon General of the United States, the National Academy of Sciences, as well as other health organizations, have shown that the use of tobacco products can cause adverse health consequences, both to those who actively use these products and also to those who passively come in contact with tobacco products; and

WHEREAS, the City of Mulberry, Arkansas, wishes to promote the health of its citizens and employees by restricting the use of tobacco products on its premises and in its vehicles and

WHEREAS, the City of Mulberry, Arkansas, has an outdated ordinance in place.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MULBERRY, ARKANSAS:

SECTION 1. Smoking in buildings owned by or leased by the City of Mulberry, Arkansas and vehicles owned by or leased by the City of Mulberry, Arkansas is hereby prohibited.

SECTION 2. A fine not to exceed $200.00 will be levied against violators of this Ordinance.

SECTION 3.

(a) The term buildings owned or leased by the City of Mulberry, Arkansas and vehicles owned or leased by the City of Mulberry, Arkansas shall be those structures and vehicles owned or leased by the City of Mulberry, Arkansas and occupied by Mulberry city employees regardless of whether they are used by the public or not.

(b) The term Smoking- means inhaling, exhaling, burning, or carrying any lighted tobacco product, includes cigarettes, electronic smoking devices, cigars, pipe tobacco, or any other lighted combustible plant material.

(c) Tobacco- For the purposes of this policy "tobacco" is to include any product containing, made, or derived from tobacco that is intended for human consumptions, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means or any component, part, or accessory of a tobacco products to include but not limited to: any lighted or unlighted cigarette, cigar, pipe, and any other smoking product, and spit tobacco, also known as smokeless, dip, chew, snus, and snuff, in any form including, "e-cigarette" and electronic nicotine devices (ENDs). *Exemption- Nicotine: Only FDA approved cessation products are allowed. This includes: nicotine gum, nicotine lozenge, nicotine patch, nicotine inhaler, and nicotine nasal spray.*

(d) The term "use of smokeless tobacco" shall mean any tobacco product and the use of any tobacco product, be it chewed, dipped or in any way placed in direct contact with the mouth.

(e) Mulberry, Arkansas city department heads or the Mayor may designate certain areas on property owned by the City of Mulberry, Arkansas where city employees may smoke. These areas shall be at least 50 feet from any city owned or leased building and will not be near the front door or main entrance of the building being used by city employees.

SECTION 4. ORDINANCE 2002-04 is repealed

PASSED this 19th day of January, 2016

Approved: _____

Gary D. Baxter, Mayor of the City of Mulberry, AR

ATTEST: _____

Jerry Dickerson, Recorder/Treasurer for the City of Mulberry, AR