ORDINANCE NO. 2007-05

AN ORDINANCE PROHIBITING SMOKING IN ANY PARK OWNED, LEASED, MANAGED, OR OPERATED BY THE CITY OF ATKINS AND FOR OTHER PURPOSES.

WHEREAS, the General Assembly of the State of Arkansas has determined that non-smokers often receive damage to their health from the smoking of tobacco by others; and,

WHEREAS, it has been determined by the General Assembly that direct smoking of tobacco and indirect smoking of tobacco through inhaling the smoke of those who are smoking nearby are major causes of preventable diseases and death and;

WHEREAS, the General Assembly of the State of Arkansas has determined that second hand smoke is a known cause of lung cancer, heart disease, chronic lung ailments such as bronchitis and asthma, particularly in children and low birth-weight births.

NOW THEREFORE, be it ordained by the City Council of the City of Atkins as follows:

Section 1. Definitions The following words and phrases when used in this ordinance shall for the purposes of this Ordinance have the meanings respectively ascribed to them as follows:

Park: An open or partially open area or place owned, leased, managed, or operated by the City of Atkins or it's duly appointed representatives for the benefit of the public at large and used for recreation, education, or natural or cultural preservation, and all auxiliary buildings including but not limited to restrooms, storage rooms, vending rooms, food and beverage rooms, equipment rooms, and rooms for displays, selling merchandise and offering information.

Smoking: Smoking means inhaling, exhaling, burning or carrying any lighted tobacco product including cigarettes, cigars, or pipe tobacco, or other lighted combustible plant material.

Section 2. Smoking Prohibited in Parks Smoking shall be prohibited in all areas of City parks.

Section 3. Penalties Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars ($100.00) and not more than five hundred dollars ($500.00).

Section 4. Emergency Clause This Ordinance is necessary for the peace, health, and safety of all persons and therefore an emergency is declared to exist and the provisions of this Ordinance shall be effective immediately upon it's passage and approval by the City Council of the City of Atkins.

DATED this 10th day of April, 2007.

THE CITY OF ATKINS

Brenda Graves
BRENDA GRAVES, City Clerk

By: Jerry D. Barrett
JERRY DON BARRETT, Mayor

(SEAL)